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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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11/387,384

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Jeffrey D. Mullen

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JEFFREY D. MULLEN

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PITTSBURGH, PA 15232

EXAMINER

NGUYEN, QUYNH H

ART UNIT

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PAPER

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

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

Office Action Summary	Application No. 11/387,384	Applicant(s) MULLEN, JEFFREY D.	
	Examiner QUYNH H. NGUYEN	Art Unit 2614	

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

Period for Reply

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

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

Status

- 1) ☒ Responsive to communication(s) filed on 27 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) 3-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

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

Priority under 35 U.S.C. § 119

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

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

Attachment(s)

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

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Amendment

2. Applicant's remarks filed 07/27/10 have been entered. No claims have been amended. No claims have been canceled. No claims have been added. Claims 3-53 are still pending in this application, with claims 3, 12-13, 35, and 44 being independent.

Claim Rejections - 35 USC § 103

3. Claims 3-7, 19-21, 27-29, 35-39, and 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al. (US Patent 6,360,102).

As to claims 3 and 35, Havinis teaches a method comprising obtaining a location of a first wireless telephone (col. 2, lines 7-8); transmitting the location from the first wireless telephone to a server (*Mobile Location Center MLC 270*) (col. 2, lines 20-26); changing, at a direction of the first wireless telephone, a list of users for a profile (*Subscriber Location Privacy Profile SLPP*) associated with the first wireless telephone that are allowed to access the location (col. 4, lines 5-18; col. 5, lines 35-59), wherein each user of the list of users is representative of one of a plurality of wireless telephones (col. 5, lines 12-15 - *member(s) of a group of mobile subscribers who need to position the mobile subscriber*); and transmitting the location from the MLC 270 to at

least one of the users of the list of users (col. 2, lines 26-28). Havinis does not explicitly show a list of users on the remote server for a profile. However, Havinis teaches that the subscriber's profile (SLPP) which is not in the Mobile Location Center and the MLC can be a separate node with the MSC/VLR (col. 8, lines 30-39). Hence, it would have been obvious that the list of users on the remote Mobile Location Center for a profile (SLPP).

As to claims 4, 19, 27, 36, and 45, Havinis teaches the mobile subscriber can define, activate, deactivate, delete the Subscriber Location Privacy Profile which contains a list of preferred subscribers that have permission to position the mobile subscriber (col. 4, lines 23-27; col. 4, lines 5-18; col. 5, lines 35-59), and put limits on the ability of other subscribers (col. 3, lines 39-56). Hence, it would have been obvious that adding an additional user to the list of users

As to claims 5, 20, 28, 37, and 46, Havinis teaches transmitting the address of the location to the at least one of the users of the list of users (col. 4, lines 5-10).

As to claims 6, 21, 29, 38, and 47, Havinis teaches obtaining the address of the location; and transmitting the address of the location to the at least one of the users of the list of users (col. 9, lines 21-38).

As to claims 7 and 39, Havinis teaches receiving the location by at least one of the plurality of wireless telephones (col. 2, lines 26-28); and displaying the location on the at least one of the plurality of wireless telephone (col. 5, lines 7-20 - *where Havinis discussed the users are member(s) of group of mobile subscribers, hence it would have*

been obvious that mobile subscriber would own at least a cellular or wireless device that having displayed capable to received the inquired location).

4. Claims 14, 26, 34, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Younis (US 2002/0164998).

As to claims 14, 26, 34, and 52, Havinis does not teach receiving the location by at least one of the plurality of wireless telephones; and displaying a map on the at least one of the plurality of wireless telephones with a marker representative of the location.

Younis teaches receiving the location by at least one of the plurality of wireless telephones; and displaying a map on the at least one of the plurality of wireless telephones with a marker representative of the location ([0008]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Younis into the teachings of Havinis for the purpose of having a more efficient system and providing users directions and where about the subscriber is.

5. Claims 8-11, 22-25, 30-33, 40-43, and 48-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Grube et al. (US 6,885,874).

As to claims 8, 22, 30, 40, and 48, Havinis does not explicitly teach determining a second location associated with one of the plurality of wireless telephone. Grube teaches determining a second location associated with one of the plurality of wireless telephone (col. 5, lines 2-4). It would have been obvious to one of ordinary skill in the

art that if one can determine a first location of the wireless telephone then a second location or third location and so on are also can be determined since mobile telephone's users tend to move around frequently.

As to claims 9-10, 23-24, 31-32, 41-42, and 49-50, Grube teaches determining a second location associated with one of the plurality of wireless telephones; and providing directional information to the one of the plurality of wireless telephones, wherein the directional information is representative of directions between the location and the second location (col. 5, lines 2-4; col. 6, lines 14-26).

As to claims 11, 25, 33, 43, and 51, Grube teaches determining the distance between the first wireless telephone and at least one of the plurality of wireless telephones (col. 6, line 59 through col. 7, line 6; col. 16, lines 11-26).

6. Claims 12-13 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Jones (US Patent 6,975,998)

Claims 12-13 and 44 are rejected for the same reasons as discussed above with respect to claim 3. Havinis does not teach transmitting an alert message comprising information associated with the location, from the remote server to a user of the list of users when the user is within a certain distance of the location.

Jones teaches transmitting an alert message from the system manager 30 to the user (*the recipient's communications device 18*) when the delivery vehicle is within a certain distance or time of the location (col. 7, lines 25-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Jones into the teachings of Havinis and modify Jones' predefined distance to a premise to be distance to a wireless telephone for the purpose of having a more efficient and user-friendly system by reporting package deliveries and of more precisely alerting a recipient of when to expect delivery of a package, as discussed by Jones (col. 1, line 66 through col. 2, line 2).

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Fournier et al. (US Patent 7,215,965).

As to claims 15, Ganesh teaches wherein the location is obtained way of manual input that is received by way of a locate button (col. 5, lines 62-67). Ganesh and Bassett do not explicitly teach a locate button provided on the first wireless telephone.

Fournier teaches a locate button provided on the first wireless telephone (col. 3, lines 38-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Fournier into the teachings of Havinis for the purpose of having a more efficient system and conveniently pushing the button for location information on the wireless telephone.

8. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Bates et al. 2003/0013456.

As to claim 16, Havinis does not explicitly teach determining a second location of a device based on the IP address of the device; transmitting the location to the device.

Bates teaches determining a second location of a device based on the IP address of the device; transmitting the location to the device (paragraphs [0022], [0024], and [0026]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the IP network environment into the teachings of Havinis for the purpose of having a more efficient system by having a wide variety collection of networks that handle Grube's system.

As to claims 17-18, Bates teaches receiving manual input for a second location; determining an identity of a second user for a device by way of a login, wherein the second user is associated with the input (paragraph [0050]); transmitting the location to the device (paragraphs [0055] - [0056]).

9. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis, Grube in view of Fournier et al. (US Patent 7,215,965).

Claim 53 is rejected for the same reasons as discussed above with respect to claim 15.

Response to Arguments

10. Applicant's arguments filed 7/27/10 have been fully considered but they are not persuasive.

With respect to claims 3, 35, Applicant mainly argues that Havinis does not teach obtaining a location of a first wireless telephone and transmitting the location from the first wireless telephone to a remote server. Examiner respectfully submits that Havinis teaches obtaining a location of a first wireless telephone (col. 2, lines 7-8 - *where Havinis discussed obtaining the location of MS 20*); transmitting the location from the first wireless telephone to a server (*Mobile Location Center MLC 270*) (col. 2, lines 20-26). Applicant further argues that Havinis' Mobile Location Center is not a wireless phone. Examiner agrees, it is a Mobile Location Center and it is not a wireless phone, and The MLC calculate the location of the MS 200 and the MS 2000 with knowledge of the location of the BTS 220 can determine its location (col. 2, line 60 through col. 3, line 5). Applicant further argues that Havinis does not teach changing, at the direction of the first wireless telephone, a list of users on the remote server. Examiner respectfully submits that Havinis teaches changing, at the direction of the first wireless telephone, a list of users on the remote server (col. 4, lines 5-18; col. 5, lines 35-59), and the subscriber's profile (SLPP) which is not in the Mobile Location Center and the MLC can be a separate node with the MSC/VLR (col. 8, lines 30-39). Hence, it would have been obvious that the list of users on the remote Mobile Location Center for a profile (SLPP). Applicant further argues that Havinis MLC utilizes TA values from Base Stations, this is irrelevant.

With respect to claims 12-13 and 44, Applicant mainly argues that Jones does not teach transmitting an alert message to a user of a list of users within the user is within a certain distance of the location. Examiner respectfully submits that Jones

teaches a base station transmits a notification message to a recipient device at a recipient's premises (col. 3, lines 6-8) when the vehicle is within a predefined proximity of distance or time (col. 7, lines 27-30). Examiner relies on the concept of transmitting alert message when the user is within certain predefined time or distance taught by Jones. It would have been obvious to modify Jones' predefined distance to a premise to be distance to a wireless telephone and incorporate into the teachings of Havinis.

Conclusion

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

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

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to QUYNH H. NGUYEN whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30

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A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The 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).

/Quynh H Nguyen/
Primary Examiner, Art Unit 2614