JDM/002 CON4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Pittsburgh, PA 15232
August 6, 2007

PRELIMINARY AMENDMENT

Sir:

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

Amendments to the Specification are reflected on page 2.

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

Remarks/Arguments begin on page 10 of this paper.

Google Exhibit 1002
Google v. Mullen

Amendments to the Specification:

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

--Cross-Reference To Related Applications

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

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled).

3. (new) A method comprising:

creating on a first wireless telephonic device a list including a plurality of users, wherein each one of said plurality of users is associated to a different one of a plurality of wireless telephonic devices.

allowing transmission of location information associated to said first wireless telephonic device to said list, wherein said allowance is provided to a remote server;

receiving at said remote server said location information; and

providing said location information to at least one of said plurality of users on said list by providing said location information to said different wireless telephonic device associated to the provided at least one users.

4. (new) A method comprising:

requesting to be alerted on a first wireless device when a second wireless device enters a first area;

obtaining a location of said second wireless device;

determining whether said location is in said first area;

determining whether said second wireless device has provided said first wireless device with permission

to obtain information associated with said location of said second wireless device; and

providing an alert to said first wireless device if said location is in said first area and if said second wireless device has provided said first wireless device with permission to obtain information associated with said location of said second wireless device.

5. (new) The method of claim 4, wherein a positioning system is utilized to provide said location.

6. (new) A system comprising:

a first wireless telephone;

a second wireless telephone; and

a server located remotely from said first and second wireless telephones, wherein said server receives a first location representative of the location of said first wireless telephone, said server receives a second location representative of the location of said second wireless telephone, said server receives a first permission from said first wireless telephone for said second wireless telephone to receive location information associated with said first location, and said server sends said location information to said second wireless telephone after verifying said first permission.

7. (new) A system comprising:

a first wireless telephone;

a stationary computer, wherein said stationary computer receives manual input to identify a user profile; and

a server located remotely from said first and second wireless telephones, wherein said server receives a first location representative of the location of said

first wireless telephone, said server receives a first permission from said first wireless telephone for said user profile to receive location information associated with said first location, and said server sends said location information to said stationary computer after verifying said first permission and identifying said user profile associated with said stationary computer.

8. (new) A method comprising:

providing a first level of access for information associated with a location of a first wireless device to a second wireless device by said first wireless device;

providing a second level of access for information associated with said location to a third wireless device by said first wireless device;

storing said first level of access and said second level of access on a remote server, wherein said first and second level of access are different; and

providing said information to said second wireless device in accordance with said first level of access; and

providing said information to said third wireless device in accordance with said second level of access.

9. (new) A method comprising:

allowing a device to locate a first wireless device in accordance with access information stored on a remote server by said first wireless device;

locating said first wireless device a plurality of times and determining a travel speed based on said locating;

utilizing said travel speed to determine an arrival time to a destination; and

providing said arrival time to said device.

10. (new) A method comprising:

allowing a device to locate a plurality of wireless devices based on access information provided by said plurality of wireless devices, wherein said access information is stored on a remote server; and

displaying the location of said plurality of wireless devices on a map on said device.

11. (new) A method comprising:

allowing a device to locate a plurality of wireless devices based on access information provided by said plurality of wireless devices, wherein said access information is stored on a remote server; and

finding the closest one of said plurality of wireless devices to said device.

12. (new) A method comprising:

providing a display screen on a first wireless telephonic device for said first wireless telephonic device to request the location of a different wireless device, wherein a telephone number is operable to be entered on said display screen;

entering said telephone number on said display screen, wherein said telephone number is associated with said different wireless device;

requesting on said different wireless device that said different wireless device provides access information for said first wireless telephonic device; and

storing said access information on a remote server.

13. (new) A method comprising:

determining whether a looking for profile of a first dating service user matches a profile of a second dating service user;

alerting said first dating service user of said second dating service user, wherein a first location of a first wireless telephonic device of said first dating service user and a second location of said second wireless telephonic device of said second service user are utilized in determining to provide said alert and said first and second locations are stored on a remote server; and

requesting access to a form of communication between said first and second dating service users

14. (new) A method comprising:

determining the location of a first wireless device by a second wireless device in accordance with location access information stored on a remote server for said second wireless device by said first wireless device; and

utilizing the location of said second wireless device and the location of said first wireless device to determine the distance between said first and second wireless devices, wherein said distance is displayed on said second wireless device.

15. (new) A method comprising:

determining the location of a first wireless device by a second wireless device in accordance with location access information stored on a remote server for

said second wireless device by said first wireless device; and

utilizing the location of said second wireless device and said first wireless device to determine the shortest path between said first and second wireless devices, wherein said shortest path is displayed on said second wireless device.

16. (new) A method comprising:

determining the location of a first wireless device by a second device in accordance with location access information stored on a remote server for said second device by said first wireless device;

determining that the location of a first wireless device is on a highway;

determining a route for a destination utilizing said determination that the location of a first wireless device is on said highway; and

determining an arrival time for said destination utilizing said determined route.

17. (new) The method of claim 16, wherein said determining said route further utilizes the direction of travel of said first wireless device.

18. (new) A method comprising:

providing a list of users on a first wireless telephonic device;

providing a highlight window for selecting one of said list of users on said first wireless telephonic device;

selecting, using said highlight window, one of said users from said list of users; an

providing a display screen on said first wireless device for selecting location access rights for said selected user with respect to the location of said first wireless telephonic device.

19. (new) A method comprising:

providing a display screen on a first device for selecting a plurality of location alerts for a second wireless device; and

alerting said device in accordance with said selected location alert.

20. (new) A method comprising:

utilizing a password entered on a first device to determine an identity of said first device;

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

utilizing said identity to determine whether said first device is allowed to access the location of said second wireless telephonic device, wherein said access is provided by said second device and is stored remotely; and

determining whether to provide the location of said second wireless telephonic device to said first device based on said access.

REMARKS

Summary of Applicant's Amendments

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

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

Conclusion

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

Reconsideration and prompt allowance of this application are respectfully requested.

Respectfully Submitted,

/Jeffrey D. Mullen/
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PTO/SB/14(08-05)
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	JDM/002 CON4
	Application Number	Not yet assigned
Title of Invention	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME	

The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.
This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.

Secrecy Order 37 CFR 5.2

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

Applicant Information:

Applicant 1

Applicant Authority ☒ Inventor ☐ Legal Representative under 35 U.S.C. 117 ☐ Party of Interest under 35 U.S.C. 118

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

Prefix	Given Name	Middle Name	Family Name	Suffix
	Jeffrey	David	Mullen	

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

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

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

Mailing Address of Applicant:

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Address 2	

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

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

Prefix	Given Name	Middle Name	Family Name	Suffix

Residence Information of the Inventor's Representative:

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

City		State/Province		Country of Residence	

Citizenship under 37 CFR 1.41 (b) i

Mailing Address of the Inventor's Representative:

Address 1			
Address 2			
City		State/Province	
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Title of Invention	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME	

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).	
☐ **An Address is being provided for the correspondence Information of this application.**	
Customer Number	32733
Email Address	Jmullen54@aol.com

Application Information:

Title of the Invention	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME		
Attorney Docket Number	JDM/002 CON4	**Small Entity Status Claimed** ☒	
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		**Sub Class (if any)**	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)		**Suggested Figure for Publication (if any)**	

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Publication Information:

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

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

Representative Information:

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

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

Domestic Priority Information:

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

Prior Application Status			
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
This application	Continuation of	10/496,200	2003-03-25
10/496,200	Non Provisional of	60/367,967	2002-03-25

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

Foreign Priority Information:

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

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

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	JDM/002 CON4
	Application Number	Not yet assigned
Title of Invention	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME	

Assignee Information:

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

Assignee 1

If the Assignee is an Organization check here. ☐

Prefix	**Given Name**	Middle Name	**Family Name**	**Suffix**

Mailing Address Information:

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

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

Signature:

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

Signature	/Jeffrey D. Mullen/			Date (YYYY-MM-DD)	2007-08-06
First Name	Jeffrey	Last Name	Mullen	Registration Number	52,056

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

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Application Number:	
Filing Date:	
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
First Named Inventor/Applicant Name:	Jeffrey David Mullen
Filer:	Jeffrey David Mullen
Attorney Docket Number:	JDM/002 CON4
Filed as Small Entity	

Utility Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Utility filing Fee (Electronic filing)	4011	1	75	75
Utility Search Fee	2111	1	250	250
Utility Examination Fee	2311	1	100	100
Pages:				
Claims:				
Independent claims in excess of 3	2201	13	100	1300
Miscellaneous-Filing:				
Petition:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
		Total in USD ($)		**1725**

Electronic Acknowledgement Receipt	
EFS ID:	2054134
Application Number:	11834674
International Application Number:	
Confirmation Number:	1117
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
First Named Inventor/Applicant Name:	Jeffrey David Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON4
Receipt Date:	06-AUG-2007
Filing Date:	
Time Stamp:	23:34:41
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	$1725
RAM confirmation Number	3953
Deposit Account	503855
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 and 1.17	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1		JDM-002-USPTOScan.pdf	1577501 c85f4fe7d9e0c5cd06ea938450707783c5fc5b19	yes	51

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

Warnings:

Information:

2		JDM-002CON4-Prelim.pdf	55016 a6bb4dc63337c25463d4289b185896c6dc42bbd6	yes	10

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Preliminary Amendment	1	1
Specification	2	2
Claims	3	9
Applicant Arguments/Remarks Made in an Amendment	10	10

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3	Application Data Sheet	JDM-002CON4-ADS.pdf	123381 7bb962800140b76449ba20124ee10cc198f0623d	no	5

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4	Fee Worksheet (PTO-06)	fee-info.pdf	8526 4b22d02b623f8c61f4640a980fa9edea63783213	no	2

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

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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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JDM/002

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

Background of the Invention

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

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

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

Summary of the Invention

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Brief Description of the Drawings

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Detailed Description of the Invention

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

[0037] Preferably, any cell phone in network 100 may locate a different cell phone, as long as access to location information is allowed, through the utilization of positioning satellites 110, 112, and 114. Persons skilled in the art will appreciate that other positioning systems and methods may be used in locating the position of a user on a cell phone of network 100.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

What is Claimed is:

1. A method of mobile-to-mobile locating, said method comprising:

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

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

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

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

2. The method of claim 1 wherein said first and second wireless devices are cellular phones.

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

Abstract of the Disclosure

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

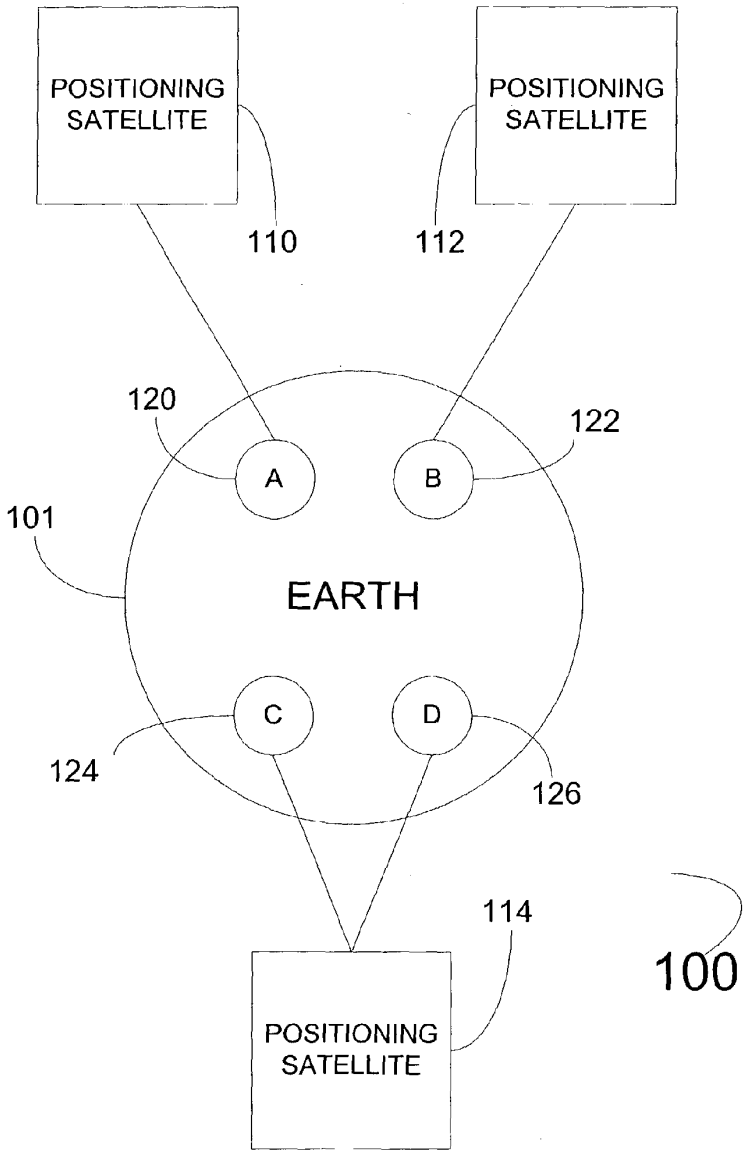

POSITIONING SATELLITE
POSITIONING SATELLITE
110
112
120
122
A
B
101
EARTH
C
D
124
126
114
POSITIONING SATELLITE
100

FIG. 1

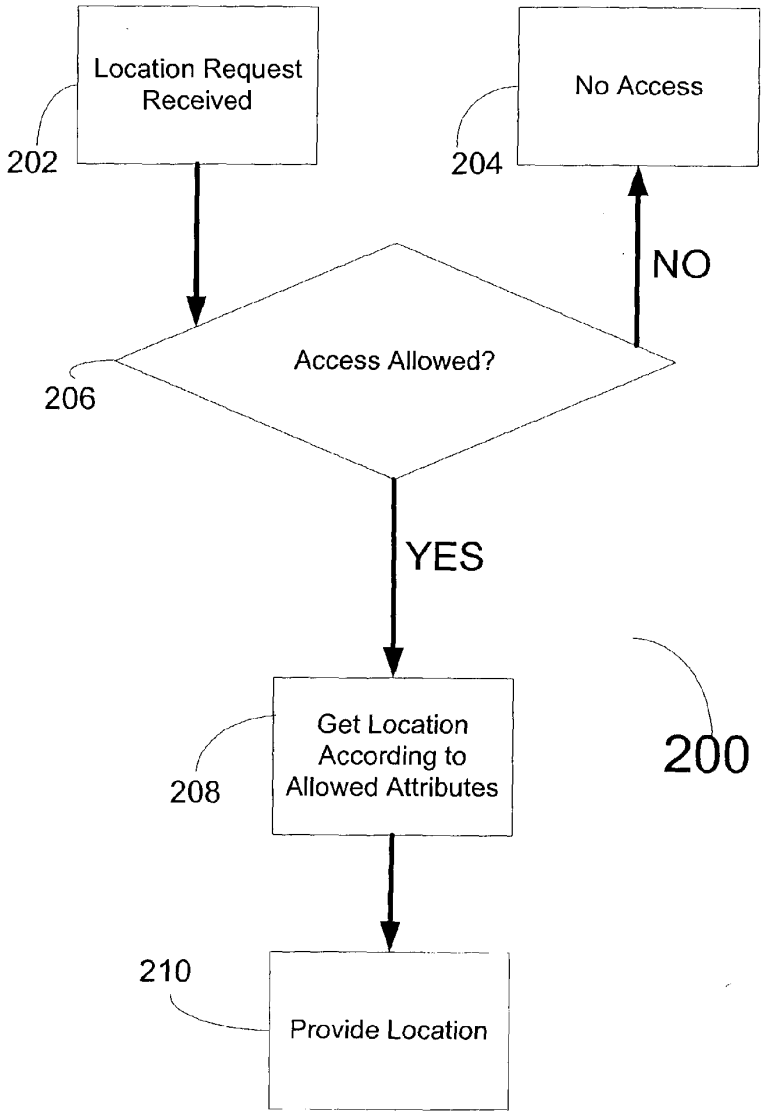

Location Request Received
202
No Access
204
NO
Access Allowed?
206
YES
Get Location According to Allowed Attributes
208
200
210
Provide Location

FIG. 2

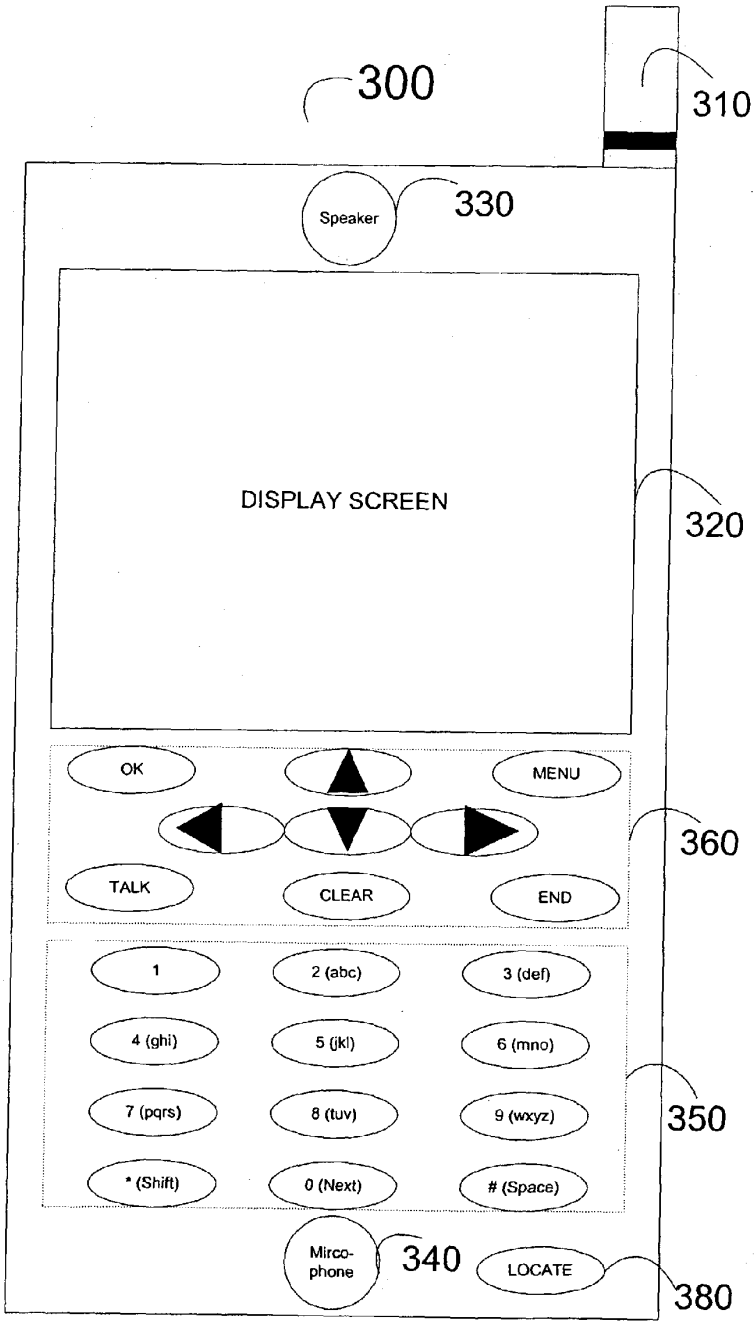

300
310
Speaker
330
DISPLAY SCREEN
320
OK
MENU
360
TALK
CLEAR
END
1
2 (abc)
3 (def)
4 (ghi)
5 (jkl)
6 (mno)
7 (pqrs)
8 (tuv)
9 (wxyz)
350
* (Shift)
0 (Next)
(Space)
Mirco-phone
340
LOCATE
380

FIG. 3

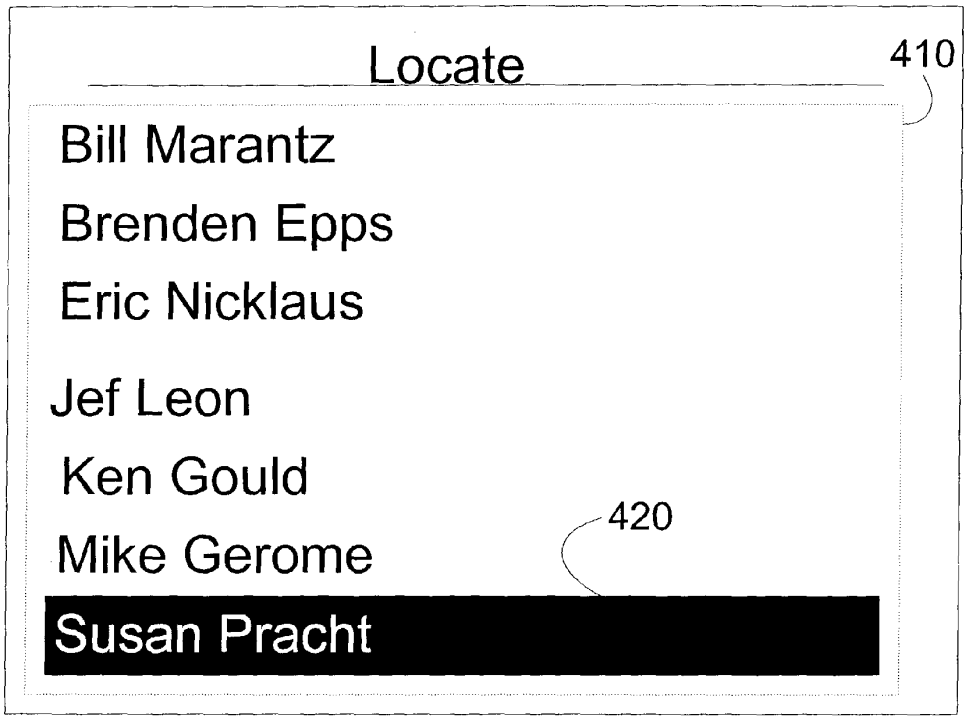

Locate
410
Bill Marantz
Brenden Epps
Eric Nicklaus
Jef Leon
Ken Gould
Mike Gerome
420
Susan Pracht

FIG. 4

400

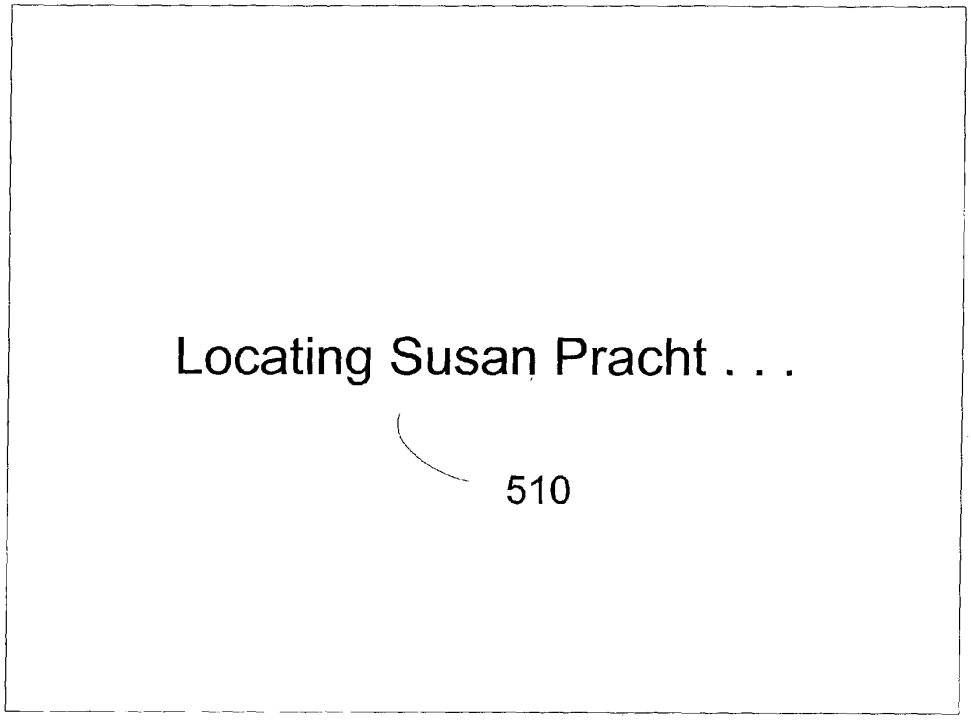


FIG. 5

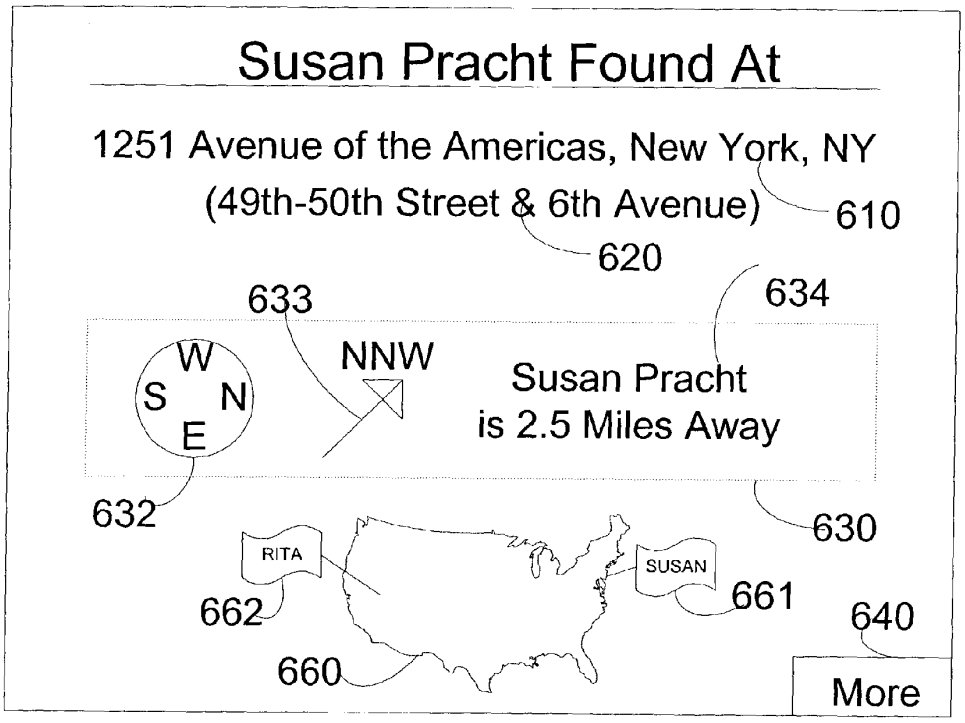

Susan Pracht Found At
1251 Avenue of the Americas, New York, NY
(49th-50th Street & 6th Avenue)
610
620
633
634
W
S
N
E
NNW
Susan Pracht
is 2.5 Miles Away
632
630
RITA
SUSAN
662
661
640
660
More
600

FIG. 6

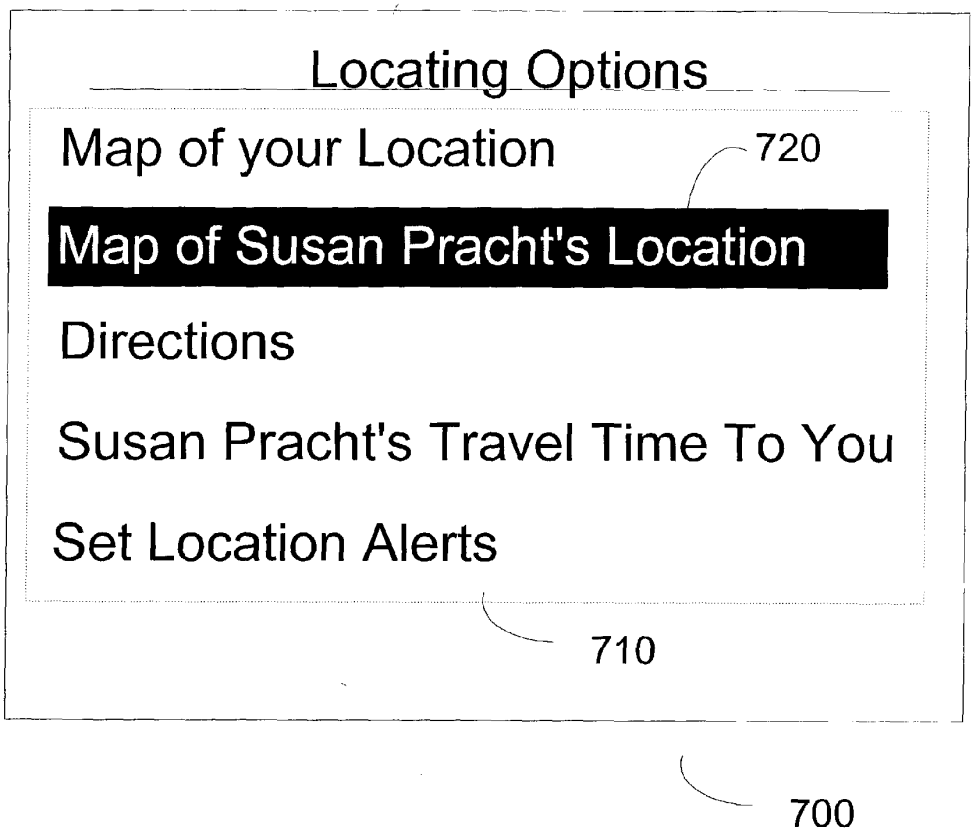

Locating Options
Map of your Location
720
Map of Susan Pracht's Location
Directions
Susan Pracht's Travel Time To You
Set Location Alerts
710
700

FIG. 7

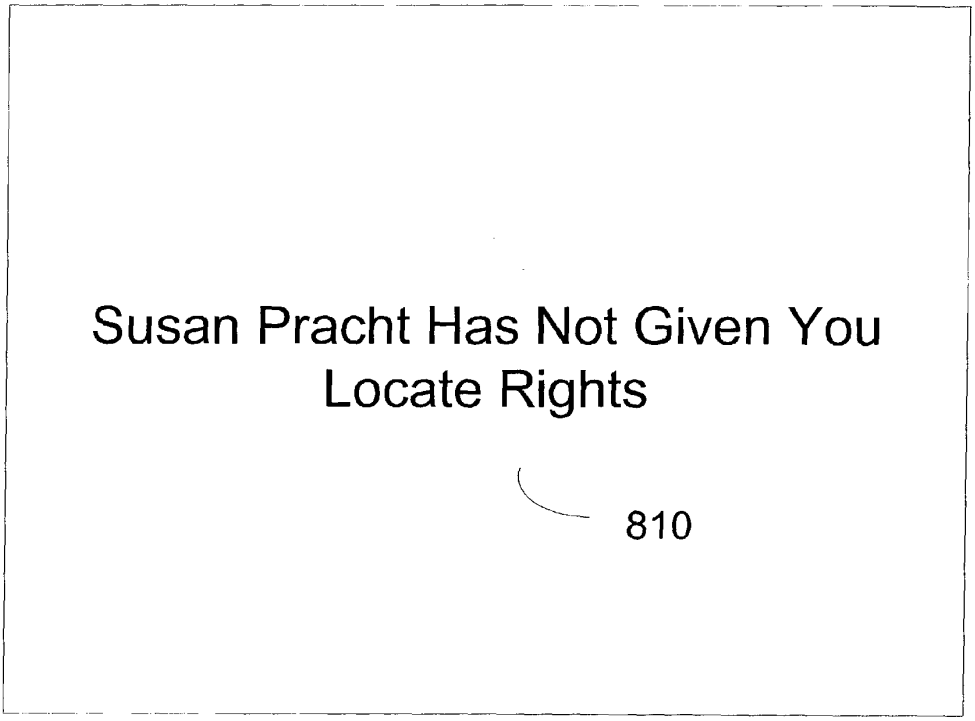


FIG. 8

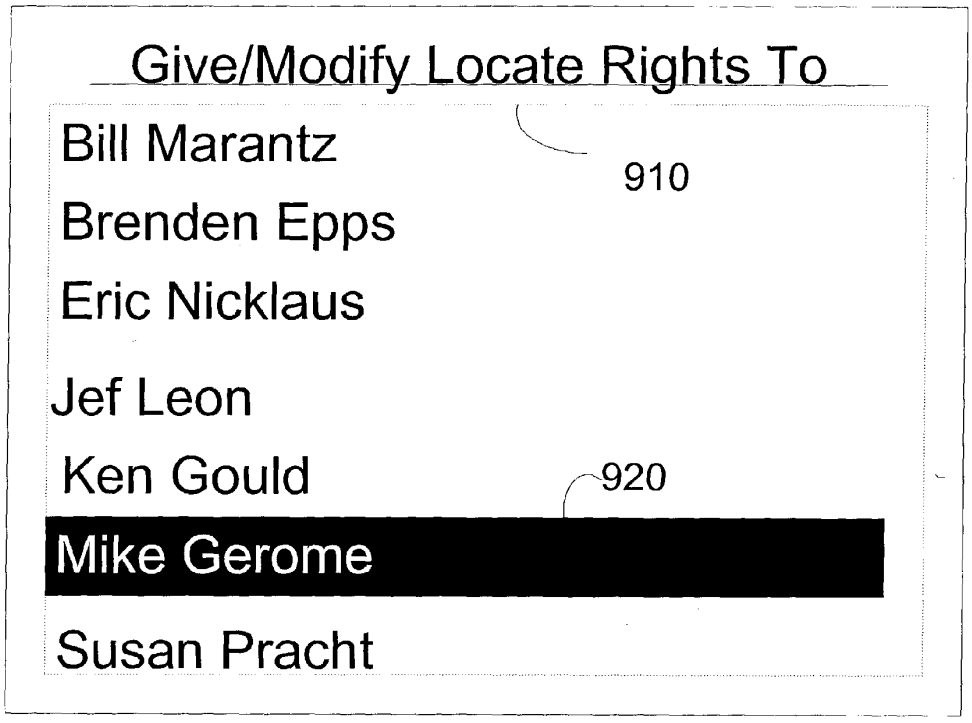

Give/Modify Locate Rights To
Bill Marantz
910
Brenden Epps
Eric Nicklaus
Jef Leon
Ken Gould
920
Mike Gerome
Susan Pracht
900

FIG. 9

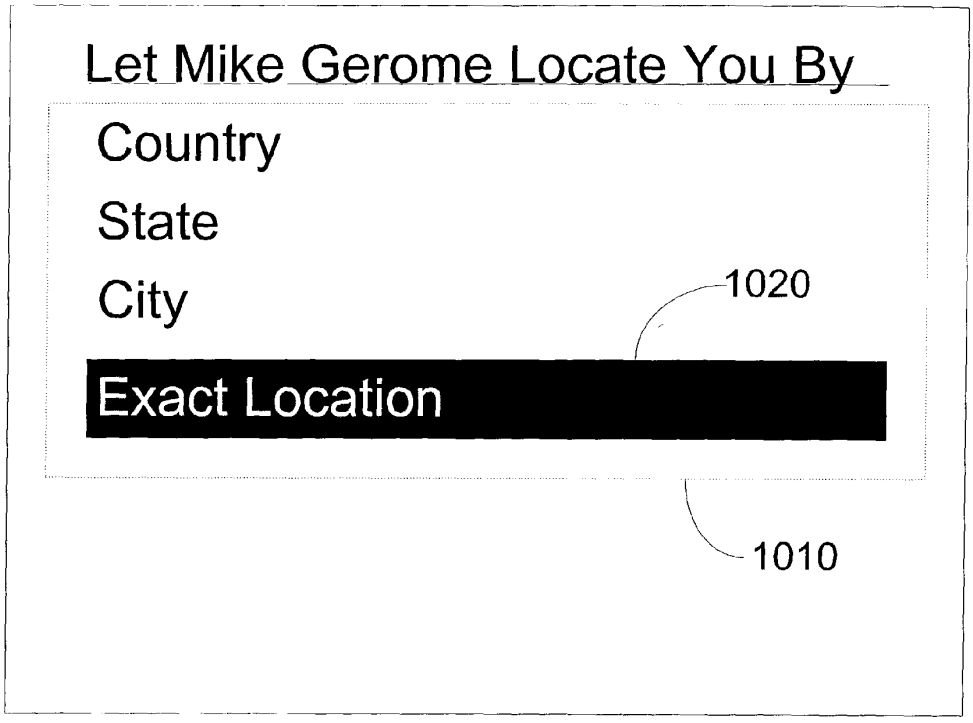

Let Mike Gerome Locate You By
Country
State
City
Exact Location
1020
1010
1000

FIG. 10

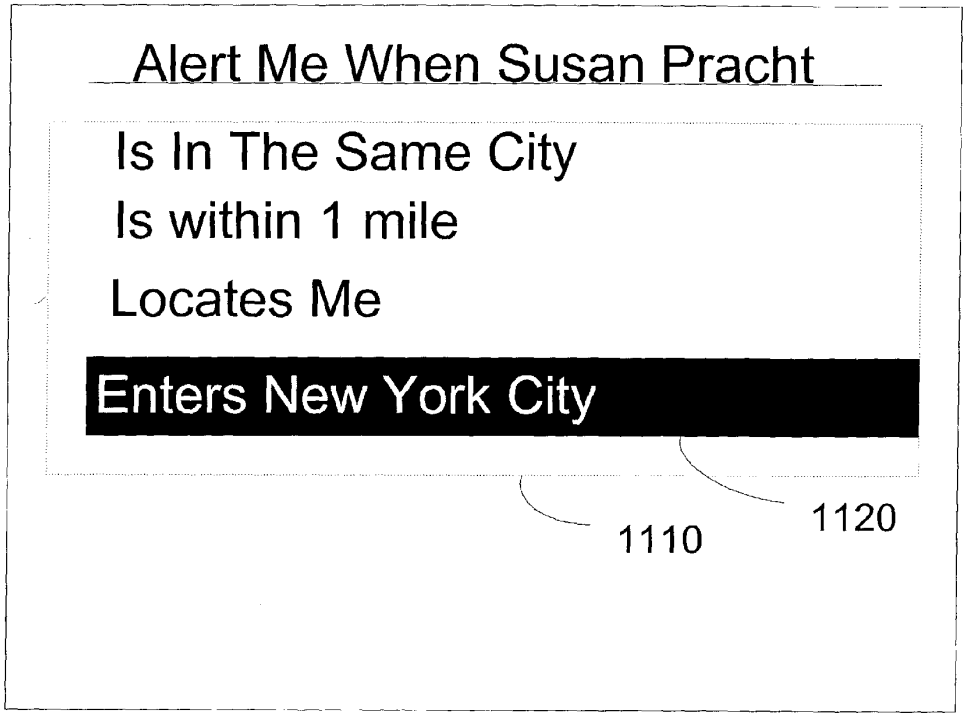

Alert Me When Susan Pracht
Is In The Same City
Is within 1 mile
Locates Me
Enters New York City
1110
1120
1100

FIG. 11

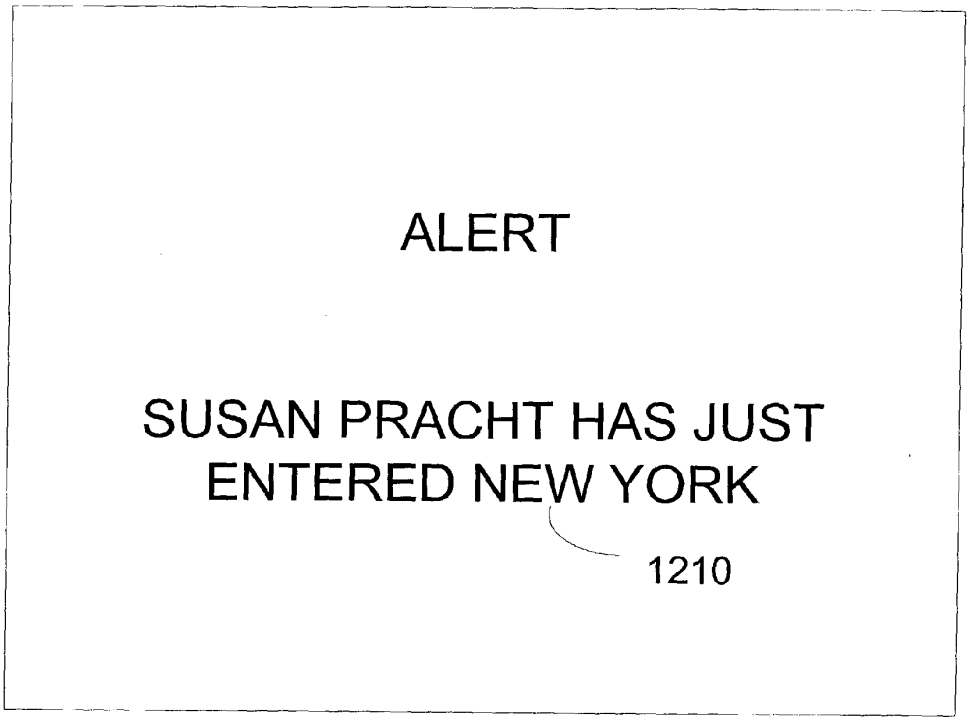


FIG. 12

1200

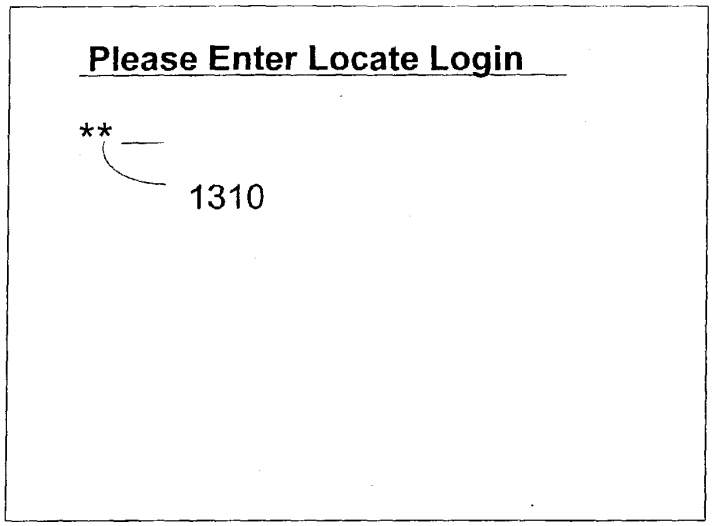

Please Enter Locate Login
**
1310
1300

FIG. 13

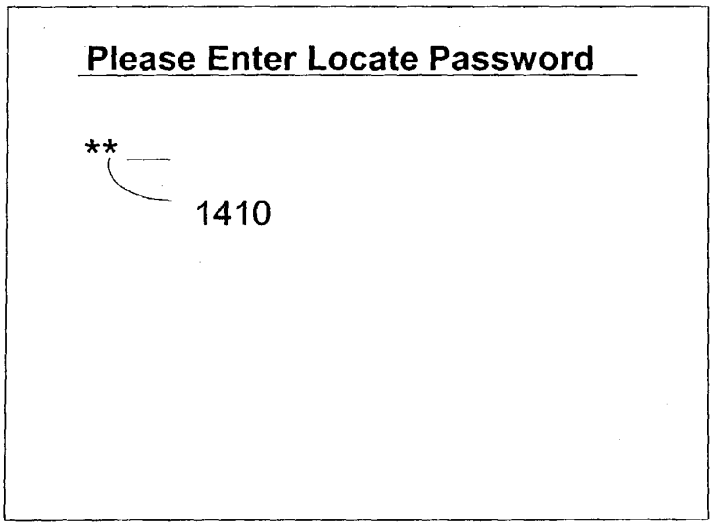

Please Enter Locate Password
**
1410
1400

FIG. 14

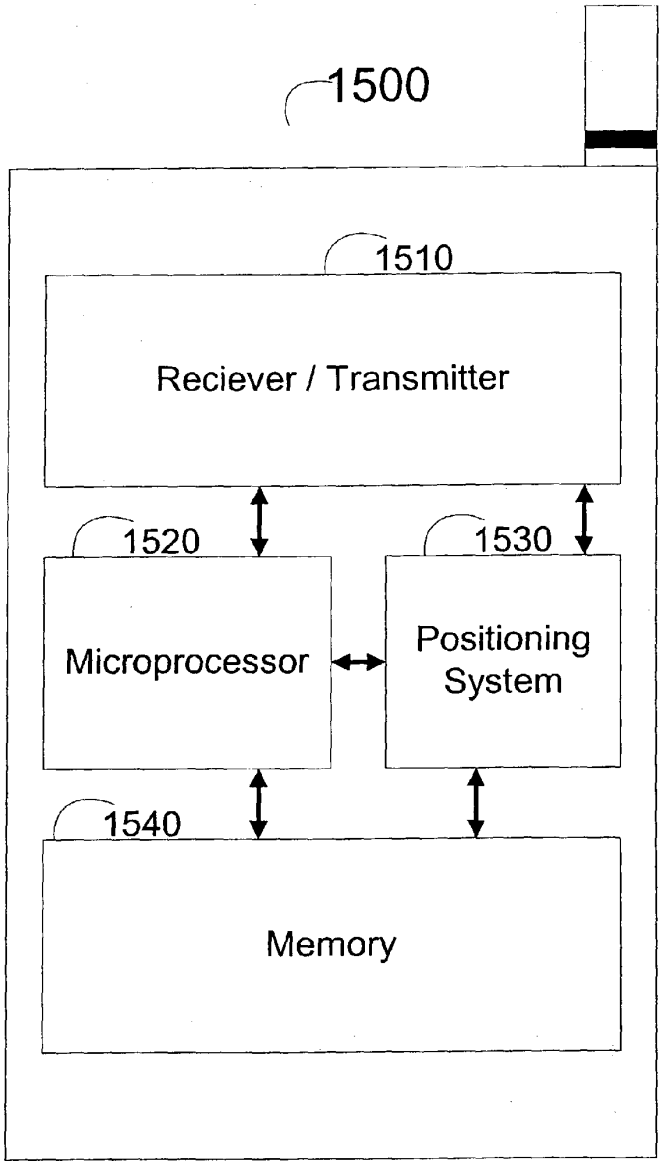

1500
1510
Reciever / Transmitter
1520
1530
Microprocessor
Positioning System
1540
Memory

FIG. 15

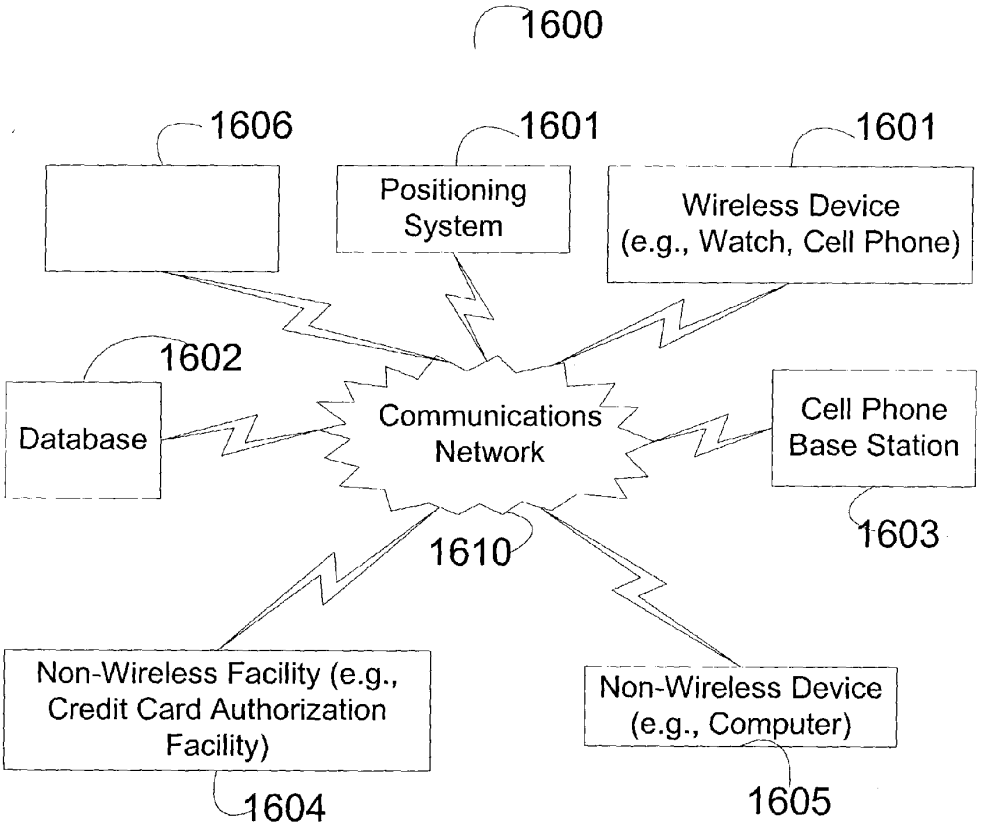

1600
1606
1601
1601
Positioning System
Wireless Device (e.g., Watch, Cell Phone)
1602
Database
Communications Network
Cell Phone Base Station
1603
1610
Non-Wireless Facility (e.g., Credit Card Authorization Facility)
Non-Wireless Device (e.g., Computer)
1604
1605

FIG. 16

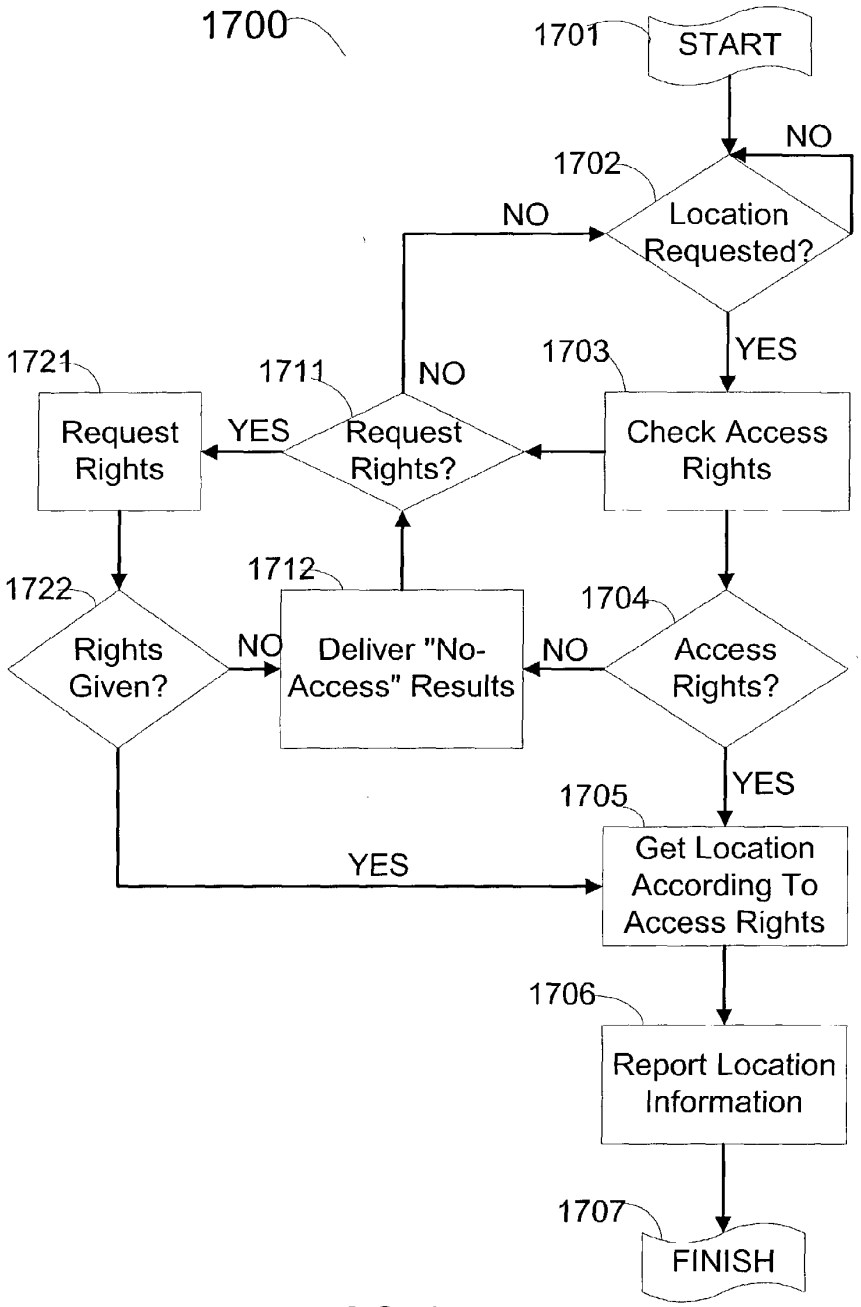

1700
1701
START
NO
1702
Location Requested?
NO
YES
1703
Check Access Rights
1721
Request Rights
YES
1711
Request Rights?
NO
1712
Deliver "No-Access" Results
NO
1704
Access Rights?
1722
Rights Given?
NO
YES
1705
Get Location According To Access Rights
YES
1706
Report Location Information
1707
FINISH

FIG. 17

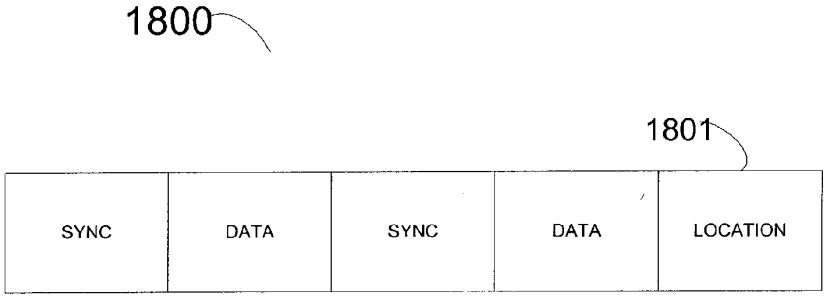


FIG. 18

DECLARATION

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

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

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

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

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

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

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

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

60/367,967	March 25, 2002
(Application Serial No.)	(Filing Date)

and I request that communications be sent to:

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

and that telephone calls be directed to:

Jeffrey D. Mullen
(914) 837-7741

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

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

3/25/03
Date

Jeffrey D. Mullen

08/06/2007

PTO/SB/06 (12-04)
Approved for use through 7/31/2006. OMB 0651-0032
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number **11/834,674**

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY FEE ($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	**75**		N/A	
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	**250**		N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	**100**		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	**18**	*	X 25=		OR	X 50=	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	**16**	* **13**	X 100=	**1,300**		X 200=	
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR						
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))			N/A			N/A	
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	**1,725**		TOTAL	

APPLICATION AS AMENDED – PART II

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE ($)
AMENDMENT A	Total (37 CFR 1.16(i))	*	Minus	**	=	X =		OR	X =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X =		OR	X =	
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					N/A		OR	N/A	
						TOTAL ADD'T FEE		OR	TOTAL ADD'T FEE	

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE ($)
AMENDMENT B	Total (37 CFR 1.16(i))	*	Minus	**	=	X =		OR	X =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X =		OR	X =	
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					N/A		OR	N/A	
						TOTAL ADD'T FEE		OR	TOTAL ADD'T FEE	

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

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

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PTO/SB/06 (07-06)
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/834,674	Filing Date 08/06/2007	☐ To be Mailed

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)	SMALL ENTITY ☒		OR	OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE ($)	FEE ($)		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

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

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

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

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

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

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

Legal Instrument Examiner:
/TIA A. BENTLEY/

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/834,674	08/06/2007		1725	JDM/002 CON4	18	16

CONFIRMATION NO. 1117

FILING RECEIPT

32733
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731 SOUTH NEGLEY
APT. 2
PITTSBURGH, PA15232

Date Mailed: 08/17/2007

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

Applicant(s)

Jeffrey D. Mullen, Pittsburgh, PA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

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

Foreign Applications

If Required, Foreign Filing License Granted: 08/17/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/834,674**

Projected Publication Date: 11/29/2007

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

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

Preliminary Class

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/834,674	08/06/2007	Jeffrey D. Mullen	JDM/002 CON4

CONFIRMATION NO. 1117

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

Date Mailed. 11/29/2007

NOTICE OF NEW OR REVISED PROJECTED PUBLICATION DATE

The above-identified application has a new or revised projected publication date. The current projected publication date for this application is 02/14/2008. If this is a new projected publication date (there was no previous projected publication date), the application has been cleared by Licensing & Review or a secrecy order has been rescinded and the application is now in the publication queue.

If this is a revised projected publication date (one that is different from a previously communicated projected publication date), the publication date has been revised due to processing delays in the USPTO or the abandonment and subsequent revival of an application. The application is anticipated to be published on a date that is more than six weeks different from the originally-projected publication date.

More detailed publication information is available through the private side of Patent Application Information Retrieval (PAIR) System. The direct link to access PAIR is currently http://pair.uspto.gov. Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

Questions relating to this Notice should be directed to the Office of Patent Publication at 1-888-786-0101.

PART 1 - ATTORNEY/APPLICANT COPY

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11/834,674	08/06/2007	Jeffrey D. Mullen	JDM/002 CON4

CONFIRMATION NO. 1117

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

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

Publication No. US-2008-0039059-A1
Publication Date: 02/14/2008

NOTICE OF PUBLICATION OF APPLICATION

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

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

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

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

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

Pre-Grant Publication Division, 703-605-4283

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/834,674	08/06/2007	Jeffrey D. Mullen	JDM/002 CON4

CONFIRMATION NO. 1117

32733
JEFFREY D. MULLEN
731 SOUTH NEGLEY
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Title: SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME

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Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

Pre-Grant Publication Division, 703-605-4283

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/834,674	08/06/2007	Jeffrey D. Mullen	JDM/002 CON4	1117

32733 7590 06/10/2009

JEFFREY D. MULLEN
731 SOUTH NEGLEY
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PITTSBURGH, PA 15232

EXAMINER	
DEANE JR, WILLIAM J	
ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
06/10/2009	PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	11/834,674	MULLEN, JEFFREY D.	
	Examiner	Art Unit	
	William J. Deane	2614	

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *06 August 2007*.

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

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

Disposition of Claims

4)☒ Claim(s) *1-20* 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) *1-20* is/are rejected.

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

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

Application Papers

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

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

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

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

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

Priority under 35 U.S.C. § 119

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

a)☐ All b)☐ Some * c)☐ None of:

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

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

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

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

Attachment(s)

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

DETAILED ACTION

Claim Rejections - 35 USC § 102

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

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

Claims 3 – 5, 9 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 2009/0029717 (Bates et al.).

With respect to claims 3 – 5, 9 and 19 such limitations are taught by Bates at paragraphs 0022, 0026 -0028, 0033 – 0035, 0042 – 0047, 0052 – 0054 and 0057 and the Abstract.

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

With respect to claim 9, note paragraph 0045.

Claim Rejections - 35 USC § 103

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

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6 – 8, 10 -17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. or in the alternative Bates in view of U.S. Patent Application no. 2002/0115453 (Poulin et al.).

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

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

With respect to level of access, note that Bates et al. teach at least 2 levels of access; those being access and no access. In addition, access may be determined by distance thresholds, which may be different for each group or group member.

With respect to claims 10, note that Bates et al. teach that locations may be displayed (oo52), but does not explicitly disclose a the use of a map. However, note Poulin et al. teach such (at least in the Abstract).

With respect to claim 11, if one has a map such is inherent.

With respect to claim 12, note Fig. 4 of Bates et al.

With respect to claim 13, note that it would be obvious to one of ordinary skill in the art to have one group called a dating or dating service.

With respect to claims 14 – 17, having the map of Poulin et al. and the speed and direction as disclosed in Bates et al., such limitations would have been obvious to one of ordinary skill in the art.

With respect to the use of passwords, such is so notoriously old in the art no reference is needed. Passwords are notoriously old in the art and it would have been obvious to incorporate such wherever it was deemed necessary.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. in view of U.S. Patent Application No. 2004/0054428 (Sheha et al.).

Bates et al. do not teach the use of highlights; however, Sheha et al. teach that such is old in the art (see paragraph 0106 of Sheha et al.). It would have been obvious to one of ordinary skill in the art to have incorporated such a selection means as highlighting into the Bates phone, as such would only entail the substitution one selecting means for another.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the Abstracts and Figs. of the cited references noted on the accompanying 892.

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

06Jun2009

/William J Deane/

Primary Examiner, Art Unit 2614

Notice of References Cited	Application/Control No. 11/834,674	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.	
	Examiner William J. Deane	Art Unit 2614	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2009/0029717	01-2009	Bates et al.	455/456.1
*	B	US-2004/0054428	03-2004	Sheha et al.	700/056
*	C	US-2002/0115453	08-2002	Poulin et al.	455/456
*	D	US-2003/0119522	06-2003	Barclay et al.	455/456
*	E	US-2003/0023726	01-2003	Rice et al.	709/225
*	F	US-6,665,389	12-2003	Haste, III, Thomas E.	379/196
*	G	US-7,203,674	04-2007	Cohen, Morgan	707/3
*	H	US-6,587,691	07-2003	Granstam et al.	455/456.1
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11834674	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	2614

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

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	06/06/2009								
	1	✓								
	2	✓								
	3	✓								
	4	✓								
	5	✓								
	6	✓								
	7	✓								
	8	✓								
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	14	✓								
	15	✓								
	16	✓								
	17	✓								
	18	✓								
	19	✓								
	20	✓								

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11834674	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	2614

SEARCHED			
Class	Subclass	Date	Examiner
455	456.1	06May2009	WJD
	415		
	457		
	435		
	404.1		

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

SMALL ENTITY
JDM/002 CON4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Jeffrey D. Mullen
Application No.	:	11/834,674
Confirmation No.	:	1117
Filed	:	August 6, 2007
For	:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
Group Art Unit	:	2614
Examiner	:	William Deane Jr.

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

Pittsburgh, PA 15232
December 10, 2009

REPLY TO OFFICE ACTION

Sir:

This is in Reply to the Office Action dated June 10, 2009. A three-month extension of time is applicable hereto. In Reply to the Office Action, applicant amends the application as follows:

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

Remarks begin on page 10 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled)

3. (currently amended) A method comprising:

creating on a first wireless telephonic device a list including a plurality of users, wherein each one of said plurality of users is associated to a different one of a plurality of wireless telephonic devices; ~~devices.~~

allowing transmission of location information associated to said first wireless telephonic device to said list, wherein said allowance is provided to a remote server;

receiving at said remote server said location information; and

providing said location information to at least one of said plurality of users on said list by providing said location information to said different wireless telephonic device associated to the provided at least one users.

4. (previously presented) A method comprising:

requesting to be alerted on a first wireless device when a second wireless device enters a first area;

obtaining a location of said second wireless device;

determining whether said location is in said first area;

determining whether said second wireless device has provided said first wireless device with permission to obtain information associated with said location of said second wireless device; and

providing an alert to said first wireless device if said location is in said first area and if said second wireless device has provided said first wireless device with permission to obtain information associated with said location of said second wireless device.

5. (previously presented) The method of claim 4, wherein a positioning system is utilized to provide said location.

6. (previously presented) A system comprising:

a first wireless telephone;

a second wireless telephone; and

a server located remotely from said first and second wireless telephones, wherein said server receives a first location representative of the location of said first wireless telephone, said server receives a second location representative of the location of said second wireless telephone, said server receives a first permission from said first wireless telephone for said second wireless telephone to receive location information associated with said first location, and said server sends said location information to said second wireless telephone after verifying said first permission.

7. (previously presented) A system comprising:

a first wireless telephone;

a stationary computer, wherein said stationary computer receives manual input to identify a user profile; and

a server located remotely from said first and second wireless telephones, wherein said server receives a first location representative of the location of said first wireless telephone, said server receives a first permission from said first wireless telephone for said user profile to receive location information associated with said first location, and said server sends said location information to said stationary computer after verifying said first permission and identifying said user profile associated with said stationary computer.

8. (previously presented) A method comprising:

providing a first level of access for information associated with a location of a first wireless device to a second wireless device by said first wireless device;

providing a second level of access for information associated with said location to a third wireless device by said first wireless device;

storing said first level of access and said second level of access on a remote server, wherein said first and second level of access are different; and

providing said information to said second wireless device in accordance with said first level of access; and

providing said information to said third wireless device in accordance with said second level of access.

9. (previously presented) A method comprising:

allowing a device to locate a first wireless

device in accordance with access information stored on a remote server by said first wireless device;

locating said first wireless device a plurality of times and determining a travel speed based on said locating;

utilizing said travel speed to determine an arrival time to a destination; and

providing said arrival time to said device.

10. (previously presented) A method comprising:

allowing a device to locate a plurality of wireless devices based on access information provided by said plurality of wireless devices, wherein said access information is stored on a remote server; and

displaying the location of said plurality of wireless devices on a map on said device.

11. (previously presented) A method comprising:

allowing a device to locate a plurality of wireless devices based on access information provided by said plurality of wireless devices, wherein said access information is stored on a remote server; and

finding the closest one of said plurality of wireless devices to said device.

12. (previously presented) A method comprising:

providing a display screen on a first wireless telephonic device for said first wireless telephonic device to request the location of a different wireless device, wherein a telephone number is operable to be entered on said display screen;

entering said telephone number on said display screen, wherein said telephone number is associated with said different wireless device;

requesting on said different wireless device that said different wireless device provides access information for said first wireless telephonic device; and

storing said access information on a remote server.

13. (previously presented) A method comprising:

determining whether a looking for profile of a first dating service user matches a profile of a second dating service user;

alerting said first dating service user of said second dating service user, wherein a first location of a first wireless telephonic device of said first dating service user and a second location of said second wireless telephonic device of said second service user are utilized in determining to provide said alert and said first and second locations are stored on a remote server; and

requesting access to a form of communication between said first and second dating service users

14. (previously presented) A method comprising:

determining the location of a first wireless device by a second wireless device in accordance with location access information stored on a remote server for said second wireless device by said first wireless device; and

utilizing the location of said second wireless device and the location of said first wireless device to determine the distance between said first and second

wireless devices, wherein said distance is displayed on said second wireless device.

15. (previously presented) A method comprising:

determining the location of a first wireless device by a second wireless device in accordance with location access information stored on a remote server for said second wireless device by said first wireless device; and

utilizing the location of said second wireless device and said first wireless device to determine the shortest path between said first and second wireless devices, wherein said shortest path is displayed on said second wireless device.

16. (previously presented) A method comprising:

determining the location of a first wireless device by a second device in accordance with location access information stored on a remote server for said second device by said first wireless device;

determining that the location of a first wireless device is on a highway;

determining a route for a destination utilizing said determination that the location of a first wireless device is on said highway; and

determining an arrival time for said destination utilizing said determined route.

17. (previously presented) The method of claim 16, wherein said determining said route further utilizes the direction of travel of said first wireless device.

18. (currently amended) A method comprising:

providing a list of users on a first wireless telephonic device;

providing a highlight window for selecting one of said list of users on said first wireless telephonic device;

selecting, using said highlight window, one of said users from said list of users; and ~~an~~

providing a display screen on said first wireless device for selecting location access rights for said selected user with respect to the location of said first wireless telephonic device.

19. (previously presented) A method comprising:

providing a display screen on a first device for selecting a plurality of location alerts for a second wireless device; and

alerting said device in accordance with said selected location alert.

20. (previously presented) A method comprising:

utilizing a password entered on a first device to determine an identity of said first device;

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

utilizing said identity to determine whether said first device is allowed to access the location of said second wireless telephonic device, wherein said access is provided by said second device and is stored remotely; and

determining whether to provide the location of

said second wireless telephonic device to said first device based on said access.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-20 are pending.

Claims 3-5, 9 and 19 were rejected under 35 U.S.C. 102(e) in view of Bates U.S. Patent Application Publication No. 2009/0029717 (hereinafter "Bates").

Claims 6-8, 10-17, and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates or in the alternative in view of Bates and Poulin U.S. Patent Application Publication No. 2002/0115453 (hereinafter "Poulin").

Claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in view of Sheha U.S. Patent Application No. 2004/0054428 (hereinafter Sheha).

Summary of Applicant's Amendments

Applicant has amended claims 3 and 18 solely in order to expedite prosecution.

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

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

Claims 3-5, 9 and 19 were rejected under 35 U.S.C. 102(e) in view of Bates.

Bates alleges notifying the presence of group members that are in the same region to the various other group members. A packet includes a group identifier and group member location. A

receiving portable device allegedly receives this information and determines if it is in the same group. A user may allegedly enable or disable detection of the device for everyone in the user's group.

Claim 3

Applicant's invention of claim 3 includes creating on a first wireless telephonic device a list including a plurality of users. Bates is silent on creating a list. Bates alleges modifying the size of a group (*See* Bates, paragraph 54). Modifying the size of a group is not creating a list.

Applicant's invention of claim 3 includes allowing transmission of location information associated to said first wireless telephonic device to said list, wherein said allowance is provided to a remote server. Bates is silent on allowing transmission of location information to a list where the allowance is provided to a remote server. Bates allegedly merely receives information on the Bates device and determines, on the Bates device, whether to retrieve locations stored on memory (See Bates, paragraph 43). Bates allegedly merely transmits to the network the user action as part of resetting a loop to determine user actions. Retrieving information from memory is not applicant's invention of claim 3 of allowing transmission of location information to a list.

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

Claim 4-5

Applicant's invention of claim 4 includes requesting to be alerted on a first wireless device when a second wireless device enters a first area. Bates does not show or suggest such a request. Bates allegedly determines whether a location of a device is within the same region containing another device (*See* Bates, abstract). Determining is not requesting.

Applicant's invention of claim 4 includes determining whether said second wireless device has provided said first wireless device with permission to obtain information associated with said location of said second wireless device. Bates is silent on such a permission.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 4 and 5, and any claims dependent therefrom, be withdrawn.

Claim 9

Applicant's invention of claim 9 includes determining a travel speed and utilizing the travel speed to determine an arrival time to a destination. Bates merely alleges determining a rate and direction of travel (*See* Bates, paragraph 45). A rate and direction of travel is not an arrival time to a destination.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 9, and any claims dependent therefrom, be withdrawn.

Claim 19

Applicant's invention of claim 9 includes providing a display screen on a first device for selecting a plurality of location alerts for a second wireless

device. Bates is silent on a plurality of location alerts -- let alone a display screen for selecting a plurality of location alerts.

Applicant's invention of claim 9 includes alerting said device in accordance with said selected location alert. Bates is silent on a selected location alert – let alone alerting in accordance with a selected location alert.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 19, and any claims dependent therefrom, be withdrawn.

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

Claims 6-8, 10-17, and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates or in the alternative over Bates in view of Poulin.

Bates alleges notifying the presence of group members that are in the same region to the various other group members. A packet includes a group identifier and group member location. A receiving portable device allegedly receives this information and determines if it is in the same group. A user may allegedly enable or disable detection of the device for everyone in the user's group.

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

Poulin teaches directly away from Bates and is inoperable with Bates. The devices are unrelated precision devices. As per just one example, Bates discusses locating a device via a position detector on the GPS. Poulin discusses locating a device solely

through a service center. As such, the architectures of both Poulin and Bates are opposite and inoperable.

The Examiner cannot pick and choose unrelated elements of unrelated devices and stitch them together, in hindsight, in order to create an entirely new, inoperable device neither shown nor suggested by the individual devices. In doing so, the Examiner merely eviscerates the spirit of both the Poulin and Bates devices.

Accordingly, applicant respectfully requests that the rejections of claims 6-8, 10-17, and 20 in view of Poulin and Bates be withdrawn.

Claim 6

For at least the above reasons, claim 6 is patentable in view of Bates and Poulin.

Furthermore, neither Bates nor Palin, used either individually or in combination, shows or suggests applicant's invention of claim 6 of a server that received a first permission from a first wireless telephone for a second wireless device and sending location information associated with the location to a second wireless device after verifying the permission.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 6, and any claims dependent therefrom, be withdrawn.

Claim 7

For at least the above reasons, claim 7 is patentable in view of Bates and Poulin.

Furthermore, neither Bates nor Poulin, used either individually or in combination, show or suggest applicant's invention of claim 7 of a stationary computer, wherein the stationary computer receives manual input to identify a user profile and a server sends said location information to said stationary computer after verifying a first permission and identifying the user profile associated with the stationary computer.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 7, and any claims dependent therefrom, be withdrawn.

Claim 8

For at least the above reasons, claim 8 is patentable in view of Bates and Poulin.

Furthermore, neither Bates nor Poulin, used either individually or in combination, show or suggest applicant's invention of claim 8 of a first level of access for information associated with a location of a first wireless device to a second wireless device by the first wireless device, a second level of access for information associated with the location to a third wireless device by the first wireless device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 8, and any claims dependent therefrom, be withdrawn.

Claim 10

For at least the above reasons, claim 10 is patentable in view of Bates and Poulin.

Furthermore, neither Bates nor Poulin, used either individually or in combination, show or suggest

applicant's invention of claim 10 of allowing a device to locate a plurality of wireless devices based on access information provided by said plurality of wireless devices, wherein said access information is stored on a remote server and displaying the location of said plurality of wireless devices on a map on the device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 10, and any claims dependent therefrom, be withdrawn.

Claim 11

For at least the above reasons, claim 11 is patentable in view of Bates and Poulin.

Furthermore, neither Bates nor Poulin, used either individually or in combination, show or suggest applicant's invention of claim 11 of allowing a device to locate a plurality of wireless devices based on access information provided by said plurality of wireless devices, wherein said access information is stored on a remote server and finding the closest one of said plurality of wireless devices to said device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 11, and any claims dependent therefrom, be withdrawn.

Claim 12

For at least the above reasons, claim 12 is patentable in view of Bates and Poulin.

Furthermore, neither Bates nor Poulin, used either individually or in combination, show or suggest applicant's invention of claim 12 of providing a display screen on a first wireless telephonic device for said first

wireless telephonic device to request the location of a different wireless device, wherein a telephone number is operable to be entered on said display screen.

Furthermore, neither Bates nor Poulin, used either individually or in combination, show or suggest applicant's invention of claim 12 of requesting on said different wireless device that said different wireless device provides access information for said first wireless telephonic device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 12, and any claims dependent therefrom, be withdrawn.

Claim 13

For at least the above reasons, claim 13 is patentable in view of Bates and Poulin.

Furthermore, neither Bates nor Poulin, used either individually or in combination, show or suggest applicant's invention of claim 13 of determining whether a looking for profile of a first dating service user matches a profile of a second dating service user.

Furthermore, neither Bates nor Poulin, used either individually or in combination, show or suggest applicant's invention of claim 13 of alerting said first dating service user of said second dating service user.

Moreover, neither Bates nor Poulin, used either individually or in combination, show or suggest applicant's invention of claim 13 of requesting access to a form of communication between said first and second dating service users.

In light of the foregoing, applicant respectfully

requests that the Examiner's rejection of claim 13, and any claims dependent therefrom, be withdrawn.

Claim 14

For at least the above reasons, claim 14 is patentable in view of Bates and Poulin.

Furthermore, neither Bates nor Poulin, used either individually or in combination, show or suggest applicant's invention of claim 14 of utilizing the location of a second wireless device and the location of a first wireless device to determine the distance between said first and second wireless devices, wherein said distance is displayed on said second wireless device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 14, and any claims dependent therefrom, be withdrawn.

Claim 15

For at least the above reasons, claim 15 is patentable in view of Bates and Poulin.

Furthermore, neither Bates nor Poulin, used either individually or in combination, show or suggest applicant's invention of claim 15 of utilizing the location of said second wireless device and said first wireless device to determine the shortest path between the first and second wireless devices, wherein the shortest path is displayed on said second wireless device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 15, and any claims dependent therefrom, be withdrawn.

Claim 16-17

For at least the above reasons, claims 16-17 are patentable in view of Bates and Poulin.

Furthermore, neither Bates nor Poulin, used either individually or in combination, show or suggest applicant's invention of claims 16-17 of determining that the location of a first wireless device is on a highway, determining a route for a destination utilizing the determination that the location of a first wireless device is on the highway, and determining an arrival time for said destination utilizing said determined route.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 16-17, and any claims dependent therefrom, be withdrawn.

Claim 20

For at least the above reasons, claim 20 is patentable in view of Bates and Poulin.

Furthermore, neither Bates nor Poulin, used either individually or in combination, show or suggest applicant's invention of claim 20 of utilizing a password entered on a first device to determine an identity of said first device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 20, and any claims dependent therefrom, be withdrawn.

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

Claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in view of Sheha.

Neither Bates nor Seha, used either individually or in combination, show or suggest applicant's invention of claim 18 of providing a highlight window for selecting one of said list of users on said first wireless telephonic device, selecting, using said highlight window, one of said users from said list of users, and providing a display screen on said first wireless device for selecting location access rights for said selected user.

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

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 18, and any claims dependent therefrom, be withdrawn.

Conclusion

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

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

Respectfully Submitted,

/Jeffrey D. Mullen/

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Electronic Patent Application Fee Transmittal

Application Number:	11834674
Filing Date:	06-Aug-2007
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Filer:	Jeffrey David Mullen
Attorney Docket Number:	JDM/002 CON4

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with $0 paid	2253	1	555	555

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

Electronic Acknowledgement Receipt	
EFS ID:	6607321
Application Number:	11834674
International Application Number:	
Confirmation Number:	1117
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON4
Receipt Date:	10-DEC-2009
Filing Date:	06-AUG-2007
Time Stamp:	04:26:55
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$555
RAM confirmation Number	8900
Deposit Account	503855
Authorized User	MULLEN,JEFFREY D.
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

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

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

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

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		JDM-002CON4--Reply.pdf	96284 449f6f2bcae6c070c89d4f6d10d80a11977c9c00	yes	21

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Amendment/Req. Reconsideration-After Non-Final Reject	1	1
Claims	2	9
Applicant Arguments/Remarks Made in an Amendment	10	21

Warnings:

Information:

2	Fee Worksheet (PTO-875)	fee-info.pdf	30351 cab04958e78de88adbeffe2cd5e6d06866e632fd	no	2

Warnings:

Information:

Total Files Size (in bytes):	126635

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

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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

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

PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	☒ To be Mailed
11/834,674	08/06/2007	

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)	SMALL ENTITY ☒		OR	OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE ($)	FEE ($)		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

		(Column 1)		(Column 2)	(Column 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
	12/10/2009	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
AMENDMENT	Total (37 CFR 1.16(i))	* 18	Minus	** 20	= 0	X $26 =	0	OR	X $ =	
	Independent (37 CFR 1.16(h))	* 16	Minus	***16	= 0	X $110 =	0	OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

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

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

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

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

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

Legal Instrument Examiner:
/NICHELE PETERSON/

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

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.
11/834,674	08/06/2007	Jeffrey D. Mullen	JDM/002 CON4	1117

32733 7590 03/29/2010

JEFFREY D. MULLEN
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PITTSBURGH, PA 15232

EXAMINER	
DEANE JR, WILLIAM J	
ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
03/29/2010	PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	11/834,674	MULLEN, JEFFREY D.	
	Examiner	Art Unit	
	William J. Deane	2614	

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *10 December 2009*.

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

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

Disposition of Claims

4)☒ Claim(s) *1-20* 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) *1-20* is/are rejected.

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

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

Application Papers

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

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

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

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

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

Priority under 35 U.S.C. § 119

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

a)☐ All b)☐ Some * c)☐ None of:

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

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

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

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

Attachment(s)

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

DETAILED ACTION

Claim Rejections - 35 USC § 103

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

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

Claims 3 and 6 - 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,360,102 (Havinis).

With respect to claim 1, 6, 7 note that Havinis et al. teach the limitations of the instant claims, comprising:

creating on a wireless telephonic device a list including a plurality of users, wherein each one of said plurality of users is associated with a different one of a plurality of wireless telephonic devices (note the Subscriber Location Privacy Profile (SLPP)),. See also, Col. 2, lines 26 – 28, Col.4, lines 5 – 18, Col. 5, lines 35 – 59 and Col.5, lines 12 – 15.

With respect to the remote server, Havinis et al. do not explicitly disclose a remote server; note the Mobile Location Center and that in can be a separate node from the MSC/VLR (see Col. 8, lines 30 – 39. Therefore, it would have been obvious to one of ordinary skill in the art to have incorporated such a remote server in Havinis et al.

With respect to claim 7, the use of a “stationary computer” and using manual inputs is so notoriously old in the art, no art need be supplied. It is noted that a mobile phone or computer is at times stationary.

Claims 4 – 5, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,360,102 (Havinis et al.) in view of U.S. Patent No. 6,975,998 (Jones).

Havinis et al. teach the claimed limitations (see above), but do not disclose the alerting aspects of the claimed limitations. However, note that Jones teaches such at Col. 7, lines 25 – 30. It would have been obvious to one of ordinary skill in the art to have incorporated such alerting as disclosed by Jones into the Havinis et al. system in order to have a more efficient system. See also Col. 1, line 66 – Col. 2, line 2 of Jones.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al. in view of U.S. Patent Application No. 2002/0102989 (Calvert et al.).

Havinis et al teach the claimed limitations (see above), and it is noted that Havinis et al. teach at least 2 levels of access, access and no access. However, Calvert et al. teach the same levels of access as described in Applicant's specification. Note the approximate and exact locations in at least the Abstract of Calvert et al. It would have been obvious to one of ordinary skill in the art to have incorporated such levels of access as disclosed by Calvert et al. into the Havinis et al. device and method as such would only entail the substitution of known access levels.

Claims 9, 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al. in view of U.S. Patent Application No. 20090029717 (Bates et al).

Havinis et al. teach the claimed limitations except for the travel speed to determine an arrival time. However, note paragraphs 0044– 0045. It would have been obvious to one of ordinary skill in the art to have incorporated such determining an arrival time as disclosed by Bates et al. into the Havinis et al device as a value-added

option. Since Bates et al. teach both speed and distance the arrival time would be obvious to one of ordinary skill in the art. The same is true for displaying such to a user.

With respect to claim 20, note paragraph 0050 of Bates et al.

With respect to claim 12, note paragraph 0051 of Bates et al.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al in view of U.S. Patent Application No. 2002/0115453 (Poulin et al.).

With respect to claims 10 and 11, note that Havinis et al. teach the claimed limitations except for the map. However, note that Poulin et al. teach such at least in the Abstract and paragraph 0007. It would have been obvious to one of ordinary skill in the art to have incorporated a map into the Havinis et al. device as an added-value.

With respect to claims 13 – 17, the limitations would have been obvious to one of ordinary skill in the art given the discussion above with respect to the references above. For example, note the map of Poulin et al. and the speed and direction as shown in Bates et al.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al. in view of U.S. Patent Application No. 2004/0054428 (Sheha et al.).

Havinis et al. teach the claimed limitations as shown above except for the use of highlights; however, Sheha et al. teach that such is old in the art (see paragraph 0106 of Sheha et al.). It would have been obvious to one of ordinary skill in the art to have incorporated such selection means as highlighting into the Havinis et al. device in order to make it easier in selecting from the list.

Response to Arguments

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

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the Abstract and Figs. of the references cited on the accompanying 892.

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

25Mar2010

/William J Deane/

Primary Examiner, Art Unit 2614

Notice of References Cited	Application/Control No. 11/834,674	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.	
	Examiner William J. Deane	Art Unit 2614	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,360,102	03-2002	Havinis et al.	455/457
*	B	US-6,975,998	12-2005	Jones, Martin Kelly	705/8
*	C	US-6,920,328	07-2005	Wollrab, Lee M.	455/456.1
*	D	US-7,269,428	09-2007	Wallenius et al.	455/456.2
*	E	US-2002/0102989	08-2002	Calvert et al.	455/456
*	F	US-2002/0164998	11-2002	Younis, Saed	455/456
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11834674	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	2614

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

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	06/06/2009	03/25/2010							
	1	✓	✓							
	2	✓	✓							
	3	✓	✓							
	4	✓	✓							
	5	✓	✓							
	6	✓	✓							
	7	✓	✓							
	8	✓	✓							
	9	✓	✓							
	10	✓	✓							
	11	✓	✓							
	12	✓	✓							
	13	✓	✓							
	14	✓	✓							
	15	✓	✓							
	16	✓	✓							
	17	✓	✓							
	18	✓	✓							
	19	✓	✓							
	20	✓	✓							

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11834674	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	2614

SEARCHED			
Class	Subclass	Date	Examiner
455	456.1	06May2009	WJD
	415		
	457		
	435		
	404.1		
	Updated the prior search	25Mar2010	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

SMALL ENTITY
JDM/002 CON4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Jeffrey D. Mullen
Application No.	:	11/834,674
Confirmation No.	:	1117
Filed	:	August 6, 2007
For	:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
Group Art Unit	:	2614
Examiner	:	William Deane Jr.

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

Pittsburgh, PA 15232
September 29, 2010

REPLY TO OFFICE ACTION

Sir:

This is in Reply to the Office Action dated March 29, 2010. A three-month extension of time is applicable hereto. In Reply to the Office Action, applicant amends the application as follows:

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

Remarks begin on page 10 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled)

3. (currently amended) A method comprising:

creating on a first wireless telephonic device a list including a plurality of users, wherein each one of said plurality of users is associated to a different one of a plurality of wireless telephonic devices;

allowing transmission of location information associated to said first wireless telephonic device to said list, wherein said allowance is provided to, and stored on, a remote server;

receiving at said remote server said location information and storing said location information; and

providing said location information to at least one of said plurality of users on said list by providing said location information to said different wireless telephonic device associated to the provided at least one users.

4. (previously presented) A method comprising:

requesting to be alerted on a first wireless device when a second wireless device enters a first area;

obtaining a location of said second wireless device;

determining whether said location is in said first area;

determining whether said second wireless device has provided said first wireless device with permission to obtain information associated with said location of said second wireless device; and

providing an alert to said first wireless device if said location is in said first area and if said second wireless device has provided said first wireless device with permission to obtain information associated with said location of said second wireless device.

5. (previously presented) The method of claim 4, wherein a positioning system is utilized to provide said location.

6. (currently amended) A system comprising:

a first wireless telephone;

a second wireless telephone; and

a server located remotely from said first and second wireless telephones, wherein said server receives and stores a first location representative of the location of said first wireless telephone, said server receives and stores a second location representative of the location of said second wireless telephone, said server receives and stores a first permission from said first wireless telephone for said second wireless telephone to receive location information associated with said first location, and said server sends said location information to said second wireless telephone after verifying said first permission.

7. (currently amended) A system comprising:

a first wireless telephone;

a stationary computer, wherein said stationary computer receives manual input to identify a user profile; and

a server located remotely from said first and second wireless telephones, wherein said server receives and stores a first location representative of the location of said first wireless telephone, said server receives and stores a first permission from said first wireless telephone for said user profile to receive location information associated with said first location, and said server sends said location information to said stationary computer after verifying said first permission and identifying said user profile associated with said stationary computer.

8. (previously presented) A method comprising:

providing a first level of access for information associated with a location of a first wireless device to a second wireless device by said first wireless device;

providing a second level of access for information associated with said location to a third wireless device by said first wireless device;

storing said first level of access and said second level of access on a remote server, wherein said first and second level of access are different; and

providing said information to said second wireless device in accordance with said first level of access; and

providing said information to said third wireless device in accordance with said second level of access.

9. (previously presented) A method comprising:

allowing a device to locate a first wireless device in accordance with access information stored on a remote server by said first wireless device;

locating said first wireless device a plurality of times and determining a travel speed based on said locating;

utilizing said travel speed to determine an arrival time to a destination; and

providing said arrival time to said device.

10. (currently amended) A method comprising:

allowing a device to locate a plurality of wireless devices based on access information provided by said plurality of wireless devices, wherein said access information is stored on a remote server;

determining a travel speed for at least one of said plurality of wireless devices; and

displaying the location of said plurality of wireless devices on a map on said device.

11. (previously presented) A method comprising:

allowing a device to locate a plurality of wireless devices based on access information provided by said plurality of wireless devices, wherein said access information is stored on a remote server; and

finding the closest one of said plurality of wireless devices to said device.

12. (previously presented) A method comprising:

providing a display screen on a first wireless telephonic device for said first wireless telephonic device to request the location of a different wireless device,

wherein a telephone number is operable to be entered on said display screen;

entering said telephone number on said display screen, wherein said telephone number is associated with said different wireless device;

requesting on said different wireless device that said different wireless device provides access information for said first wireless telephonic device; and

storing said access information on a remote server.

13. (previously presented) A method comprising:

determining whether a looking for profile of a first dating service user matches a profile of a second dating service user;

alerting said first dating service user of said second dating service user, wherein a first location of a first wireless telephonic device of said first dating service user and a second location of said second wireless telephonic device of said second service user are utilized in determining to provide said alert and said first and second locations are stored on a remote server; and

requesting access to a form of communication between said first and second dating service users

14. (previously presented) A method comprising:

determining the location of a first wireless device by a second wireless device in accordance with location access information stored on a remote server for said second wireless device by said first wireless device; and

utilizing the location of said second wireless device and the location of said first wireless device to determine the distance between said first and second wireless devices, wherein said distance is displayed on said second wireless device.

15. (previously presented) A method comprising:

determining the location of a first wireless device by a second wireless device in accordance with location access information stored on a remote server for said second wireless device by said first wireless device; and

utilizing the location of said second wireless device and said first wireless device to determine the shortest path between said first and second wireless devices, wherein said shortest path is displayed on said second wireless device.

16. (previously presented) A method comprising:

determining the location of a first wireless device by a second device in accordance with location access information stored on a remote server for said second device by said first wireless device;

determining that the location of a first wireless device is on a highway;

determining a route for a destination utilizing said determination that the location of a first wireless device is on said highway; and

determining an arrival time for said destination utilizing said determined route.

17. (previously presented) The method of claim

16, wherein said determining said route further utilizes the direction of travel of said first wireless device.

18. (previously presented) A method comprising:

providing a list of users on a first wireless telephonic device;

providing a highlight window for selecting one of said list of users on said first wireless telephonic device;

selecting, using said highlight window, one of said users from said list of users; and

providing a display screen on said first wireless device for selecting location access rights for said selected user with respect to the location of said first wireless telephonic device.

19. (previously presented) A method comprising:

providing a display screen on a first device for selecting a plurality of location alerts for a second wireless device; and

alerting said device in accordance with said selected location alert.

20. (previously presented) A method comprising:

utilizing a password entered on a first device to determine an identity of said first device;

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

utilizing said identity to determine whether said first device is allowed to access the location of said second wireless telephonic device, wherein said access is provided by said second device and is stored remotely; and

determining whether to provide the location of said second wireless telephonic device to said first device based on said access.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-20 are pending.

Claims 3 and 6-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,360,102 (hereinafter "Havinis").

Claims 4-5 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Jones U.S. Patent No. 6,975,998 (hereinafter “Jones”).

Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Calvert U.S. Patent Application No. 2002/0102989 (hereinafter “Calvert”).

Claims 9, 12, and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al. in view of Bates U.S. Patent Application No. 20090029717 (hereinafter “Bates

Claims 10 and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Poulin et al. U.S. Patent Application No. 2002/0115453 (hereinafter “Poulin”)

Claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Sheha et al. U.S. Patent Application No. 2004/0054428 (hereinafter “Sheha et al.”)

Summary of Applicant's Amendments

Applicant has amended claims 3, 6, 7, and 10 without prejudice and solely in order to expedite prosecution.

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to claim any

subject matter lost by any amendments or cancellations during the prosecution of this application, or to claim any subject matter included in the present application, in one or more continuation or divisional applications.

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

Claim 3

Claims 3 was rejected under 35 U.S.C. 103(a) as being unpatentable Havinis.

Applicant's invention of claim 3, however, includes creating on a first wireless telephonic device a list including a plurality of users and storing an allowance and location information on a remote server.

Havinis does not show or suggest this feature. Havinis alleges Havinis' SLLP connected to Havinis' HLR in Havinis' MSC. Havinis' MSC is not Havinis' MLC. Havinis' MLC utilizes TA values from Base Stations to determine location.

Additionally, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system. Thus, Havinis cannot be combined with any reference. The Examiner's rejection was a 103(a) rejection and, as such, the Examiner admits Havinis is not anticipated by any reference. Due to the precision in Havinis, applicant invokes his right under MPEP § 2144.03 to require the Examiner provide documentary evidence of the missing elements not provided in Havinis.

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

Claims 4 and 5

Claims 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Jones. Jones merely alleges a system manager that determines an expected delivery of a package based on an expected delivery schedule for a vehicle. Jones does allege tracking a vehicle and, here, the system manager transmits a notification (*See Jones,* col. 7). However, this Jones discussion is irrelevant.

Jones' alleged stationary system manager that tracks a separate vehicle and notifies a single device when a package is within a proximity of a single, physical, stationary, pre-determined premise. Accordingly, Jones does not show or suggest applicant's inventions of claim 4 of requesting to be alerted on a first wireless device when a second wireless device enters an area and providing an alert a permission is provided. A distance to an address is not an requesting or providing alert when a wireless device enters an area. As such, neither Havinis nor Jones, used either alone or in combination, show or suggest such a feature.

As shown in connection with the arguments for the patentability of claim 3, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system. Similarly,

Havinis and Jones directly teach away from one another and cannot be combined. Both devices are precision systems – the pieces of which cannot be randomly removed and utilized to form an entirely new device in hindsight. In doing so, the pieces would merely stitch together to form an inoperable device.

Additionally, for example, Havinis does not show or suggest alerting in any form. Instead, Havinis discusses alternative forms of data communication. Accordingly, Havinis directly teaches away from alerting and could not be modified by Jones without eviscerating the spirit of the Havinis precision system.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 4 and 5, and any claims dependent therefrom, be withdrawn.

Claim 6

Claims 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis.

Applicant's invention of claim 6, however, includes a server that stores a location and permission.

Havinis does not show or suggest this feature. Havinis alleges Havinis' SLLP connected to Havinis' HLR in Havinis' MSC. Havinis' MSC is not Havinis' MLC. Havinis' MLC utilizes TA values from Base Stations to determine location.

Additionally, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system. Thus, Havinis cannot

be combined with any reference. The Examiner's rejection was a 103(a) rejection and, as such, the Examiner admits Havinis is not anticipated by any reference. Due to the precision in Havinis, applicant invokes his right under MPEP § 2144.03 to require the Examiner provide documentary evidence of the missing elements not provided in Havinis.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 6, and any claims dependent therefrom, be withdrawn.

Claim 7

Claims 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis.

Applicant's invention of claim 7, however, includes a server that stores a location and permission.

Havinis does not show or suggest this feature. Havinis alleges Havinis' SLLP connected to Havinis' HLR in Havinis' MSC. Havinis' MSC is not Havinis' MLC. Havinis' MLC utilizes TA values from Base Stations to determine location.

Additionally, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system. Thus, Havinis cannot be combined with any reference. The Examiner's rejection was a 103(a) rejection and, as such, the Examiner admits Havinis is not anticipated by any reference. Due to the precision in Havinis, applicant invokes his right under MPEP § 2144.03 to require the Examiner provide documentary evidence of the missing elements not provided in Havinis.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 7, and any claims dependent therefrom, be withdrawn.

Claim 8

Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Calvert.

As shown in connection with the arguments for the patentability of claim 3, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system. Similarly, Havinis and Calvert directly teach away from one another and cannot be combined. Both devices are precision systems – the pieces of which cannot be randomly removed and utilized to form an entirely new device in hindsight. In doing so, the pieces would merely stitch together to form an inoperable device.

Additionally, for example, Havinis does not show or suggest various levels of access. Havinis has a very precise rule structure. Accordingly, Havinis directly teaches away from modifying the rule structure and could not be modified by Calvert without eviscerating the spirit of the Havinis precision system.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 8, and any claims dependent therefrom, be withdrawn.

Claim 9

Claims 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al. in view of Bates.

Applicant's invention of claim 9 includes determining a travel speed and utilizing the travel speed to determine an arrival time to a destination.

Bates merely alleges determining a rate and direction of travel (*See* Bates, paragraph 45). A rate and direction of travel is not an arrival time to a destination. Havinis does not correct for this deficiency. Accordingly, neither Havinis nor Bates, used either alone or in combination, show or suggest applicant's invention of claim 9 includes determining a travel speed and utilizing the travel speed to determine an arrival time to a destination.

Furthermore, as shown in connection with the arguments for the patentability of claim 3, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system. Similarly, Havinis and Calvert directly teach away from one another and cannot be combined. Both devices are precision systems – the pieces of which cannot be randomly removed and utilized to form an entirely new device in hindsight. In doing so, the pieces would merely stitch together to form an inoperable device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 9, and any claims dependent therefrom, be withdrawn.

Claim 10

Claims 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Poulin.

Neither Havinis nor Poulin, used either individually or in combination, show or suggest applicant's invention of claim 10 of allowing a device to locate a plurality of wireless devices based on access information provided by said plurality of wireless devices and determining the travel speed of at least one of the plurality of wireless devices.

Furthermore, as shown in connection with the arguments for the patentability of claim 3, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system. Similarly, Havinis and Calvert directly teach away from one another and cannot be combined. Both devices are precision systems – the pieces of which cannot be randomly removed and utilized to form an entirely new device in hindsight. In doing so, the pieces would merely stitch together to form an inoperable device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 10, and any claims dependent therefrom, be withdrawn.

Claim 11

Claim 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Poulin.

Neither Havinis nor Poulin, used either individually or in combination, show or suggest applicant's

invention of claim 11 of allowing a device to locate a plurality of wireless devices based on access information provided by said plurality of wireless devices, wherein said access information is stored on a remote server and finding the closest one of said plurality of wireless devices to said device.

Furthermore, as shown in connection with the arguments for the patentability of claim 3, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system. Similarly, Havinis and Calvert directly teach away from one another and cannot be combined. Both devices are precision systems – the pieces of which cannot be randomly removed and utilized to form an entirely new device in hindsight. In doing so, the pieces would merely stitch together to form an inoperable device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 11, and any claims dependent therefrom, be withdrawn.

Claim 12

Claims 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al. in view of Bates.

Neither Havinis nor Bates, used either alone or in combation, show or suggest providing a display screen on a first wireless telephonic device for said first wireless telephonic device to request the location of a different wireless device and entering the telephone number on said

display screen. Both Bates and Havinis are silent on display screen configurations.

Furthermore, as shown in connection with the arguments for the patentability of claim 3, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system. Similarly, Havinis and Calvert directly teach away from one another and cannot be combined. Both devices are precision systems - the pieces of which cannot be randomly removed and utilized to form an entirely new device in hindsight. In doing so, the pieces would merely stitch together to form an inoperable device.

Additionally, for example, Havinis does not show or suggest entering a number into a display. Havinis has a very precise rule structure. Accordingly, Havinis directly teaches away from modifying the rule structure and could not be modified by Bates without eviscerating the spirit of the Havinis precision system.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 11, and any claims dependent therefrom, be withdrawn.

Claims 13-17

Claims 13-17 were rejected under 35 U.S.C. 103(a) as:

> "the limitations would have been obvious to one of ordinary skill in the art given the discussion above with respect to the references above. For example, note the map of Poulin et al. and the speed and direction shown in Bates et al." (Office Action, page 4)

As shown in connection with the arguments for the patentability of claim 3, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system. Similarly, Havinis and Calvert directly teach away from one another and cannot be combined. Both devices are precision systems - the pieces of which cannot be randomly removed and utilized to form an entirely new device in hindsight. In doing so, the pieces would merely stitch together to form an inoperable device.

Additionally, for rejections under 35 U.S.C. § 103(a), the Examiner has the burden of showing each and every element of applicant's invention in the prior art combination. If the Examiner is taking Official Notice, MPEP § 2144.03 requires that the facts of which notice are being taken be capable of instant and unquestionable demonstration as being well known in the art. *See In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). Applicant believes that the "facts" of which the Examiner may have taken Official Notice do not meet that standard, and invoke his right under MPEP § 2144.03 to have the Examiner provide documentary proof that those facts are actually well known. The Examiner "cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the

record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affadavit or declaration setting forth factual statements and explanation to such a finding. *See* MPEP 2144.03(c). The Examiner cannot make rejections using a reference or combination of references where the references do not show each and every element of a particular claim. Applicant respectfully requests that the Examiner withdraw any rejections that do not show the inclusion of each and every element of a particular claim in a reference or a combination of references.

Furthermore, none of the alleged prior art, used either alone or in combination, shows or suggests applicant's invention of claim 13 that includes a data service user or dating service.

None of the alleged prior art, used either alone or in combination, shows or suggests applicant's invention of claim 14 that includes a displayed distance.

None of the alleged prior art, used either alone or in combination, shows or suggests applicant's invention of claim 15 that includes a displayed distance.

None of the alleged prior art, used either alone or in combination, shows or suggests applicant's invention of claim 16 that includes a displayed shortest path.

None of the alleged prior art, used either alone or in combination, shows or suggests applicant's invention of claim 17 that includes determining a route by utilizing the direction of travel.

In accordance with the foregoing, applicant respectfully requests that the rejections of claims 13-17 be withdrawn.

Claim 18

Claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Sheha et al. U.S. Patent Application No. 2004/0054428 (hereinafter "Sheha et al.")

Neither Havinis nor Seha, used either individually or in combination, show or suggest applicant's invention of claim 18 of providing a highlight window for selecting one of said list of users on said first wireless telephonic device, selecting, using said highlight window, one of said users from said list of users, and providing a display screen on said first wireless device for selecting location access rights for said selected user.

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

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 18, and any claims dependent therefrom, be withdrawn.

Claim 19

Claim 19 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Jones.

Jones' alleged stationary system manager that tracks a separate vehicle and notifies a single device when a package is within a proximity of a single, physical, stationary, pre-determined premise.

Accordingly, Jones does not show or suggest applicant's inventions of claim 19 of providing a display screen on a first device for selecting a plurality of location alerts for a second wireless device and alerting a device in accordance with said selected location alert. A distance to an address is not a location alert.

As such, neither Havinis nor Jones, used either alone or in combination, show or suggest such a feature.

As shown in connection with the arguments for the patentability of claim 3, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system. Similarly, Havinis and Calvert directly teach away from one another and cannot be combined. Both devices are precision systems - the pieces of which cannot be randomly removed and utilized to form an entirely new device in hindsight. In doing so, the pieces would merely stitch together to form an inoperable device.

Additionally, for example, Havinis does not show or suggest various levels of access. Havinis has a very precise rule structure. Accordingly, Havinis directly teaches away from alerting and could not be modified by

Jones without eviscerating the spirit of the Havinis precision system.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 8, and any claims dependent therefrom, be withdrawn.

Claim 20

Claim 20 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al. in view of Bates.

Neither Havinis nor Bates, used either alone or in combination, shows or suggests utilizing a password to identify a device.

As shown in connection with the arguments for the patentability of claim 3, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system. Similarly, Havinis and Calvert directly teach away from one another and cannot be combined. Both devices are precision systems - the pieces of which cannot be randomly removed and utilized to form an entirely new device in hindsight. In doing so, the pieces would merely stitch together to form an inoperable device.

Additionally, for example, Havinis does not show or suggest passwords entered onto a device for identifying. Havinis has a very precise rule structure. Accordingly, Havinis directly teaches away from modifying the rule structure and could not be modified by Bates without eviscerating the spirit of the Havinis precision system.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 8, and any claims dependent therefrom, be withdrawn.

Rejections in view of Official Notice

Many of the rejections made by the Examiner appear to have been rejected in view of Official Notice. Any rejection that does not show each and every element of a claim in one or more references is an inadequate rejection.

For rejections under 35 U.S.C. § 103(a), the Examiner has the burden of showing each and every element of applicant's invention in the prior art combination. If the Examiner is taking Official Notice, MPEP § 2144.03 requires that the facts of which notice are being taken be capable of instant and unquestionable demonstration as being well known in the art. *See In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). Applicant believes that the "facts" of which the Examiner may have taken Official Notice do not meet that standard, and invoke his right under MPEP § 2144.03 to have the Examiner provide documentary proof that those facts are actually well known.

The Examiner "cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affadavit or

declaration setting forth factual statements and explanation to such a finding. *See* MPEP 2144.03(c).

The Examiner cannot make rejections using a reference or combination of references where the references do not show each and every element of a particular claim. Applicant respectfully requests that the Examiner withdraw any rejections that do not show the inclusion of each and every element of a particular claim in a reference or a combination of references.

Conclusion

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

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

Respectfully Submitted,

/Jeffrey D. Mullen/

Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
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Electronic Patent Application Fee Transmittal

Application Number:	11834674
Filing Date:	06-Aug-2007
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Filer:	Jeffrey David Mullen
Attorney Docket Number:	JDM/002 CON4

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with $0 paid	2253	1	555	555

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

Electronic Acknowledgement Receipt	
EFS ID:	8527661
Application Number:	11834674
International Application Number:	
Confirmation Number:	1117
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON4
Receipt Date:	29-SEP-2010
Filing Date:	06-AUG-2007
Time Stamp:	17:28:56
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$555
RAM confirmation Number	4423
Deposit Account	503855
Authorized User	MULLEN,JEFFREY D.
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees) Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees) Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment/Req. Reconsideration-After Non-Final Reject	JDM-002CON4--Reply.pdf	50199 129c5465816a89516aedef0f98b25d5767cb275c	no	27
Warnings:					
Information:					
2	Fee Worksheet (PTO-875)	fee-info.pdf	30351 b0211c0a79de21945cad4e31fb72bd6fc92b870c	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	80550		

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

<u>New Applications Under 35 U.S.C. 111</u>
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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

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

PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/834,674	Filing Date 08/06/2007	☐ To be Mailed

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)	SMALL ENTITY ☒		OR	OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE ($)	FEE ($)		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

		(Column 1)		(Column 2)	(Column 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
AMENDMENT	**09/29/2010**	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 18	Minus	** 20	= 0	X $26 =	0	OR	X $ =	
	Independent (37 CFR 1.16(h))	* 16	Minus	***16	= 0	X $110 =	0	OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

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

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

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

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

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

Legal Instrument Examiner:
/DORIS M. KING/

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.
11/834,674	08/06/2007	Jeffrey D. Mullen	JDM/002 CON4	1117

32733 7590 12/09/2010

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

EXAMINER	
DEANE JR, WILLIAM J	
ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
12/09/2010	PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	11/834,674	MULLEN, JEFFREY D.	
	Examiner	Art Unit	
	William J. Deane	2614	

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *29 September 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) *1-20* 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) *1-20* is/are rejected.

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

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

Application Papers

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

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

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

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

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

Priority under 35 U.S.C. § 119

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

a)☐ All b)☐ Some * c)☐ None of:

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

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

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

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

Attachment(s)

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

DETAILED ACTION

Claim Rejections - 35 USC § 103

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

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

Claims 3 and 6 - 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,360,102 (Havinis).

With respect to claim 1, 6, 7 note that Havinis et al. teach the limitations of the instant claims, comprising:

creating on a wireless telephonic device a list including a plurality of users, wherein each one of said plurality of users is associated with a different one of a plurality of wireless telephonic devices (note the Subscriber Location Privacy Profile (SLPP)),. See also, Col. 2, lines 26 – 28, Col.4, lines 5 – 18, Col. 5, lines 35 – 59 and Col.5, lines 12 – 15.

With respect to the remote server, Havinis et al. do not explicitly disclose a remote server; note the Mobile Location Center and that in can be a separate node from the MSC/VLR (see Col. 8, lines 30 – 39. Therefore, it would have been obvious to one of ordinary skill in the art to have incorporated such a remote server in Havinis et al.

With respect to claim 7, the use of a “stationary computer” and using manual inputs is so notoriously old in the art, no art need be supplied. It is noted that a mobile phone or computer is at times stationary.

Claims 4 – 5, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,360,102 (Havinis et al.) in view of U.S. Patent application No. 20080288355 (Rosen).

Havinis et al. teach the claimed limitations (see above), but do not disclose the alerting aspects of the claimed limitations. However, note that Rosen teaches such at least at paragraphs 0052 - 0053. It would have been obvious to one of ordinary skill in the art to have incorporated such alerting as disclosed by Rosen into the Havinis et al. system in order to have a more efficient system. See also Col. 1, line 66 – Col. 2, line 2 of Jones.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al. in view of U.S. Patent Application No. 2002/0102989 (Calvert et al.).

Havinis et al teach the claimed limitations (see above), and it is noted that Havinis et al. teach at least 2 levels of access, access and no access. However, Calvert et al. teach the same levels of access as described in Applicant's specification. Note the approximate and exact locations in at least the Abstract of Calvert et al. It would have been obvious to one of ordinary skill in the art to have incorporated such levels of access as disclosed by Calvert et al. into the Havinis et al. device and method as such would only entail the substitution of known access levels.

Claims 9, 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al. in view of U.S. Patent Application No. 20090029717 (Bates et al).

Havinis et al. teach the claimed limitations except for the travel speed to determine an arrival time. However, note paragraphs 0044– 0045. It would have been

obvious to one of ordinary skill in the art to have incorporated such determining an arrival time as disclosed by Bates et al. into the Havinis et al device as a value-added option. Since Bates et al. teach both speed and distance the arrival time would be obvious to one of ordinary skill in the art. The same is true for displaying such to a user.

With respect to claim 20, note paragraph 0050 of Bates et al.

With respect to claim 12, note paragraph 0051 of Bates et al.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al in view of U.S. Patent Application No. 2002/0115453 (Poulin et al.).

With respect to claims 10 and 11, note that Havinis et al. teach the claimed limitations except for the map. However, note that Poulin et al. teach such at least in the Abstract and paragraph 0007. It would have been obvious to one of ordinary skill in the art to have incorporated a map into the Havinis et al. device as an added-value.

With respect to claims 13 – 17, the limitations would have been obvious to one of ordinary skill in the art given the discussion above with respect to the references above. For example, note the map of Poulin et al. and the speed and direction as shown in Bates et al. and at least paragraphs 0052 – 0053 of Rosen.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al. in view of U.S. Patent Application No. 2004/0054428 (Sheha et al.).

Havinis et al. teach the claimed limitations as shown above except for the use of highlights; however, Sheha et al. teach that such is old in the art (see paragraph 0106 of Sheha et al.). It would have been obvious to one of ordinary skill in the art to have

incorporated such selection means as highlighting into the Havinis et al. device in order to make it easier in selecting from the list.

Response to Arguments

Applicant argues about remote server and that Havinis does not disclose such. The examiner acknowledges that Havinis does not explicitly disclose a remote server and goes on to explain about the MLC and MSC/VLR. It should also be noted that whether the data is stored locally or remotely would have been obvious to one of ordinary skill in the art.

Applicant goes on to argue about the Havinis device being a precision system and therefore cannot be changed. The examiner disagrees and that such an argument is a self serving statement. If such a statement were true all that an applicant would have to do is argue that any reference was a precision device and therefore no references would ever be combinable.

With respect to travel time, Bates gives rate and direction of travel and therefore one of ordinary skill would be able to determine an arrival time. It is also obvious to one of ordinary skill in the art to display whatever information a system can calculate or determine.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was

within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Note the introduction of the Rosen reference.

Conclusion

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

06Dec2010

/William J Deane/

Primary Examiner, Art Unit 2614

Notice of References Cited	Application/Control No. 11/834,674	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.	
	Examiner William J. Deane	Art Unit 2614	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2008/0288355	11-2008	Rosen, James S.	705/14
	B	US-			
	C	US-			
	D	US-			
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FOREIGN PATENT DOCUMENTS

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

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

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11834674	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	2614

SEARCHED			
Class	Subclass	Date	Examiner
455	456.1	06May2009	WJD
	415		
	457		
	435		
	404.1		
	Updated the prior search	25Mar2010	WJD
	Updated the prior search	06Dec2010	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11834674	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	2614

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

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	06/06/2009	03/25/2010	12/06/2010						
	1	✓	✓	✓						
	2	✓	✓	✓						
	3	✓	✓	✓						
	4	✓	✓	✓						
	5	✓	✓	✓						
	6	✓	✓	✓						
	7	✓	✓	✓						
	8	✓	✓	✓						
	9	✓	✓	✓						
	10	✓	✓	✓						
	11	✓	✓	✓						
	12	✓	✓	✓						
	13	✓	✓	✓						
	14	✓	✓	✓						
	15	✓	✓	✓						
	16	✓	✓	✓						
	17	✓	✓	✓						
	18	✓	✓	✓						
	19	✓	✓	✓						
	20	✓	✓	✓						

SMALL ENTITY
JDM/002 CON4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Jeffrey D. Mullen
Application No.	:	11/834,674
Confirmation No.	:	1117
Filed	:	August 6, 2007
For	:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
Group Art Unit	:	2614
Examiner	:	William Deane Jr.

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

Pittsburgh, PA 15232
June 9, 2011

REPLY TO OFFICE ACTION

Sir:

This is in Reply to the Office Action dated December 9, 2010. A three-month extension of time is applicable hereto. In Reply to the Office Action, applicant amends the application as follows:

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

Remarks begin on page 10 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled)

3. (previously presented) A method comprising:

creating on a first wireless telephonic device a list including a plurality of users, wherein each one of said plurality of users is associated to a different one of a plurality of wireless telephonic devices;

allowing transmission of location information associated to said first wireless telephonic device to said list, wherein said allowance is provided to, and stored on, a remote server;

receiving at said remote server said location information and storing said location information; and

providing said location information to at least one of said plurality of users on said list by providing said location information to said different wireless telephonic device associated to the provided at least one users.

4. (previously presented) A method comprising:

requesting to be alerted on a first wireless device when a second wireless device enters a first area;

obtaining a location of said second wireless device;

determining whether said location is in said first area;

determining whether said second wireless device has provided said first wireless device with permission to obtain information associated with said location of said second wireless device; and

providing an alert to said first wireless device if said location is in said first area and if said second wireless device has provided said first wireless device with permission to obtain information associated with said location of said second wireless device.

5. (previously presented) The method of claim 4, wherein a positioning system is utilized to provide said location.

6. (previously presented) A system comprising:

a first wireless telephone;

a second wireless telephone; and

a server located remotely from said first and second wireless telephones, wherein said server receives and stores a first location representative of the location of said first wireless telephone, said server receives and stores a second location representative of the location of said second wireless telephone, said server receives and stores a first permission from said first wireless telephone for said second wireless telephone to receive location information associated with said first location, and said server sends said location information to said second wireless telephone after verifying said first permission.

7. (previously presented) A system comprising:

a first wireless telephone;

a stationary computer, wherein said stationary computer receives manual input to identify a user profile; and

a server located remotely from said first and second wireless telephones, wherein said server receives and stores a first location representative of the location of said first wireless telephone, said server receives and stores a first permission from said first wireless telephone for said user profile to receive location information associated with said first location, and said server sends said location information to said stationary computer after verifying said first permission and identifying said user profile associated with said stationary computer.

8. (previously presented) A method comprising:

providing a first level of access for information associated with a location of a first wireless device to a second wireless device by said first wireless device;

providing a second level of access for information associated with said location to a third wireless device by said first wireless device;

storing said first level of access and said second level of access on a remote server, wherein said first and second level of access are different; and

providing said information to said second wireless device in accordance with said first level of access; and

providing said information to said third wireless device in accordance with said second level of access.

9. (previously presented) A method comprising:

allowing a device to locate a first wireless device in accordance with access information stored on a remote server by said first wireless device;

locating said first wireless device a plurality of times and determining a travel speed based on said locating;

utilizing said travel speed to determine an arrival time to a destination; and

providing said arrival time to said device.

10. (previously presented) A method comprising:

allowing a device to locate a plurality of wireless devices based on access information provided by said plurality of wireless devices, wherein said access information is stored on a remote server;

determining a travel speed for at least one of said plurality of wireless devices; and

displaying the location of said plurality of wireless devices on a map on said device.

11. (previously presented) A method comprising:

allowing a device to locate a plurality of wireless devices based on access information provided by said plurality of wireless devices, wherein said access information is stored on a remote server; and

finding the closest one of said plurality of wireless devices to said device.

12. (previously presented) A method comprising:

providing a display screen on a first wireless telephonic device for said first wireless telephonic device to request the location of a different wireless device,

wherein a telephone number is operable to be entered on said display screen;

entering said telephone number on said display screen, wherein said telephone number is associated with said different wireless device;

requesting on said different wireless device that said different wireless device provides access information for said first wireless telephonic device; and

storing said access information on a remote server.

13. (previously presented) A method comprising:

determining whether a looking for profile of a first dating service user matches a profile of a second dating service user;

alerting said first dating service user of said second dating service user, wherein a first location of a first wireless telephonic device of said first dating service user and a second location of said second wireless telephonic device of said second service user are utilized in determining to provide said alert and said first and second locations are stored on a remote server; and

requesting access to a form of communication between said first and second dating service users

14. (previously presented) A method comprising:

determining the location of a first wireless device by a second wireless device in accordance with location access information stored on a remote server for said second wireless device by said first wireless device; and

utilizing the location of said second wireless device and the location of said first wireless device to determine the distance between said first and second wireless devices, wherein said distance is displayed on said second wireless device.

15. (previously presented) A method comprising:

determining the location of a first wireless device by a second wireless device in accordance with location access information stored on a remote server for said second wireless device by said first wireless device; and

utilizing the location of said second wireless device and said first wireless device to determine the shortest path between said first and second wireless devices, wherein said shortest path is displayed on said second wireless device.

16. (previously presented) A method comprising:

determining the location of a first wireless device by a second device in accordance with location access information stored on a remote server for said second device by said first wireless device;

determining that the location of a first wireless device is on a highway;

determining a route for a destination utilizing said determination that the location of a first wireless device is on said highway; and

determining an arrival time for said destination utilizing said determined route.

17. (previously presented) The method of claim

16, wherein said determining said route further utilizes the direction of travel of said first wireless device.

18. (previously presented) A method comprising:

providing a list of users on a first wireless telephonic device;

providing a highlight window for selecting one of said list of users on said first wireless telephonic device;

selecting, using said highlight window, one of said users from said list of users; and

providing a display screen on said first wireless device for selecting location access rights for said selected user with respect to the location of said first wireless telephonic device.

19. (previously presented) A method comprising:

providing a display screen on a first device for selecting a plurality of location alerts for a second wireless device; and

alerting said device in accordance with said selected location alert.

20. (previously presented) A method comprising:

utilizing a password entered on a first device to determine an identity of said first device;

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

utilizing said identity to determine whether said first device is allowed to access the location of said second wireless telephonic device, wherein said access is provided by said second device and is stored remotely; and

determining whether to provide the location of said second wireless telephonic device to said first device based on said access.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-20 are pending.

Claims 3 and 6-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,360,102 (hereinafter "Havinis").

Claims 4-5 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Rosen U.S. Patent Application No. 2008/0288355 (hereinafter “Rosen”).

Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Calvert U.S. Patent Application No. 2002/0102989 (hereinafter “Calvert”).

Claims 9, 12, and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al. in view of Bates U.S. Patent Application No. 20090029717 (hereinafter “Bates”).

Claims 10 and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Poulin et al. U.S. Patent Application No. 2002/0115453 (hereinafter “Poulin”)

Claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Sheha et al. U.S. Patent Application No. 2004/0054428 (hereinafter “Sheha et al.”)

Summary of Applicant's Amendments

Applicant has amended claims 3, 6, 7, and 10 without prejudice and solely in order to expedite prosecution.

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

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

General Argument

The Examiner stated:

> "Applicant goes on to argue about the Havinis device being a precision system and therefore cannot be changed. The Examiner disagrees and that such an argument is a self serving statement. If such a statement were true all that an applicant would have to do is argue that any reference was a precision device and therefore no references would ever be combinable" (Office Action, page 5)

Communication topologies have been around for hundreds – if not thousands – of years. Wireless communication topologies and stationary structures for communicating voice have been around for over a century. The first cell phone call was provided almost forty years ago.

Accordingly, if the Examiner cannot find any single reference that shows or suggests applicant's various inventions – in their entirety – then applicant's inventions are bona fide patentable due to the rich history of voluminous creativity in the field without the inclusion of applicant's invention.

Additionally, for this and similar art groups, obviousness is the exception – not the general

rule. Especially, with respect to Havinis' precision MSC/HLR/GMLC/MLC/LA system.

In part, this is because combining references in a system, such as Havinis, would merely involve, at best, physically gluing them together – nothing more. Any other combination would include hindsight modification requiring both structural and functional changes outside those provided explicitly in the references due to the precision nature of the modifications. This is at least partially because every component of the device is to be considered in such a combination – not just one aspect – as every portion of the precision device is adversely impacted by almost any change to the device. In this manner, such combinations require complete hindsight redesigns of each element of the device so that the combination takes into account every single consequence and adjustment needed to enable the combination. Such a redesign, however, is outside the scope of what is permissible – it would just create an inoperable device which, in turn, would eviscerate the spirit of the individual references. Eviscerating the spirit of the individual references is also not permissible. Obviousness combinations cannot be made in hindsight and on a whim. In addition to the above reasons, applicant has added below additional exemplary reasons why the devices cannot be combined.

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

Claim 3

Claims 3 was rejected under 35 U.S.C. 103(a) as being unpatentable Havinis.

The Examiner stated:

> "The examiner acknowledges that Havinis does not explicitly disclose a remote server …" (Office Action, page 5)

Applicant's invention, however, includes both a different structure and function than what is provided in Havinis. As a different structure and function is provided, applicant's invention of claim 3 is prima facie patentable and obviousness is not applicable.

Furthermore, applicant's invention of claim 3, however, includes creating on a first wireless telephonic device a list including a plurality of users and storing an allowance and location information on a remote server. Havinis does not show or suggest such a feature.

The Examiner has not provided a reference to combine with Havinis. Applicant invokes his right under MPEP § 2144.03 to require the Examiner provide documentary evidence of the missing elements not provided in Havinis.

Additionally, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Even a minor change to one characteristic of Havinis could render Havinis inoperable. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system and is outside the contemplations of Havinis. For example, changing any storage topology in Havinis would have a snowballing impact throughout the entire Havinis system. Individual storage would need to be

significantly different – if even possible at the time of Havinis – in order to provide Havinis with the needed bandwidth, response time, power considerations, and any other characteristic that would affect a storage decision. Thus, Havinis cannot be combined with any reference.

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

Claims 4 and 5

Claims 4 and 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Rosen.

The Examiner stated:

> "Havinis … do not disclose the alerting aspects … Rosen teaches such at least at paragraph 0052-0053" (Office Action, page 3)

Rosen, however, does not show or suggest applicant's invention of claim 4 of providing an alert to the first wireless device if the location is in the first area and if the second wireless device has provided the first wireless device with permission to obtain information associated with said location of said second wireless device. Rosen's mere mention of a filter to "scan the city" does not show or suggest such a feature.

As shown in connection with the arguments for the patentability of claim 3, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system. Similarly, Havinis and Rosen directly teach away from one another and

cannot be combined. For example, Havinis would be rendered inoperable if Havinis had to be modified to "scan the city" - or vice versa. Both devices are precision systems - the pieces of which cannot be randomly removed and utilized to form an entirely new device in hindsight. In doing so, the pieces would merely stitch together to form an inoperable device.

Additionally, for example, Havinis does not show or suggest alerting in any form. Instead, Havinis discusses alternative forms of data communication. Accordingly, Havinis directly teaches away from alerting and could not be modified by Rosen without eviscerating the spirit of the Havinis precision system.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 4 and 5, and any claims dependent therefrom, be withdrawn.

Claim 6

Claims 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis.

Applicant directs the Examiner's attention to the arguments for patentability of claim 3 and, in particular, the arguments regarding the modifications to Havinis.

Applicant's invention of claim 6, however, includes a server that stores a location and permission. Havinis does not show or suggest this feature. Applicant invokes his right under MPEP § 2144.03 to require the Examiner provide documentary evidence of the missing elements not provided in Havinis.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 6, and any claims dependent therefrom, be withdrawn.

Claim 7

Claims 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis.

Applicant directs the Examiner's attention to the arguments for patentability of claim 3 and, in particular, the arguments regarding the modifications to Havinis.

Applicant's invention of claim 7, however, includes a server that stores a location and permission. Applicant invokes his right under MPEP § 2144.03 to require the Examiner provide documentary evidence of the missing elements not provided in Havinis.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 7, and any claims dependent therefrom, be withdrawn.

Claim 8

Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Calvert.

As admitted by the Examiner, Havinis does not show or suggest various levels of access. The Examiner alleges that Havinis discusses "access and no access." Under the Examiner's allegation, nothing would ever be sent under "no access." Office Action, page 3. Accordingly, Havinis does not show or suggest applicant's invention of claim 8 of providing information to the second wireless device in accordance with the first level of access and providing the information to the third wireless device in accordance with the second level of access.

This is because Havinis has a very precise rule structure. Changing the rule structure of Havinis would render Havinis inoperable. Introducing the rule structure

of Havinis into Calvert would, also, render Calvert inoperable. The spirit of both systems would be eviscerated by changing the rule structure that the entire Havinis and Calvert systems rely on. Accordingly, Havinis and Calvert not only directly teach away from one another – but would be rendered inoperable with such a combination.

Accordingly, neither Havinis nor Calvert, used either alone or in combination, show or suggest applicant's invention of claim 8. In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 8, and any claims dependent therefrom, be withdrawn.

Claim 9

Claims 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al. in view of Bates.

Applicant's invention of claim 9 includes determining a travel speed and utilizing the travel speed to determine an arrival time to a destination.

The Examiner stated:

> "with respect to travel time, Bates gives rate and direction of travel and therefore one of ordinary skill would be able to determine an arrival time" (Office Action, page 5)

Whether someone is "able" is irrelevant to patentability. In the national pasttime of baseball – played by millions upon millions of people for over a century – anyone would have been "able" to print finger positions for baseball pitches on a baseball, but only Spalding conceived of such a whimsical and festive structure and patented it.

The Examiner must show a reference that discuses a combinable feature of an arrival time and a motivation to combine. The Examiner has not done so. Applicant invokes

his right under MPEP § 2144.03 to require the Examiner provide documentary evidence of the missing elements not provided in Bates.

Again, Bates merely alleges determining a rate and direction of travel (*See* Bates, paragraph 45). A rate and direction of travel is not an arrival time to a destination. Havinis does not correct for this deficiency. Accordingly, neither Havinis nor Bates, used either alone or in combination, show or suggest applicant's invention of claim 9 includes determining a travel speed and utilizing the travel speed to determine an arrival time to a destination.

Furthermore, as shown in connection with the arguments for the patentability of claim 3, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system. Similarly, Havinis and Calvert directly teach away from one another and cannot be combined. For example, Havinis' MSC/HLR/GMLC/MLC system would be rendered inoperable with the rule structure and topology of Bates. Both devices are precision systems – the pieces of which cannot be randomly removed and utilized to form an entirely new device in hindsight. In doing so, the pieces would merely stitch together to form an inoperable device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 9, and any claims dependent therefrom, be withdrawn.

Claim 10

Claims 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Poulin.

The Examiner stated:

> "Poulin … teach such [a map] … in at least the Abstract and paragraph 7." (Office Action, page 4)

Neither Havinis nor Poulin, however, used either individually or in combination, show or suggest applicant's invention of claim 10 of allowing a device to locate a plurality of wireless devices based on access information provided by said plurality of wireless devices and determining the travel speed of at least one of the plurality of wireless devices.

Furthermore, as shown in connection with the arguments for the patentability of claim 3, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system. Similarly, Havinis and Calvert directly teach away from one another and cannot be combined. Havinis' MSC/HLR/GMLC/MLC system would be rendered inoperable with the rule structure and topology of Poulin. Both devices are precision systems – the pieces of which cannot be randomly removed and utilized to form an entirely new device in hindsight. In doing so, the pieces would merely stitch together to form an inoperable device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 10, and any claims dependent therefrom, be withdrawn.

Claim 11

Claim 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Poulin.

Neither Havinis nor Poulin, used either individually or in combination, show or suggest applicant's invention of claim 11 of allowing a device to locate a plurality of wireless devices based on access information provided by said plurality of wireless devices, wherein said access information is stored on a remote server and finding the closest one of said plurality of wireless devices to said device.

Furthermore, as shown in connection with the arguments for the patentability of claim 3, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system. Similarly, Havinis and Poulin directly teach away from one another and cannot be combined. Havinis' MSC/HLR/GMLC/MLC system would be rendered inoperable with the rule structure and topology of Poulin. Both devices are precision systems – the pieces of which cannot be randomly removed and utilized to form an entirely new device in hindsight. In doing so, the pieces would merely stitch together to form an inoperable device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 11, and any claims dependent therefrom, be withdrawn.

Claim 12

Claims 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al. in view of Bates.

Neither Havinis nor Bates, used either alone or in combation, show or suggest providing a display screen on a first wireless telephonic device for said first wireless telephonic device to request the location of a different wireless device and entering the telephone number on said display screen. Both Bates and Havinis are silent on display screen configurations.

Furthermore, as shown in connection with the arguments for the patentability of claim 3, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system. Similarly, Havinis and Bates directly teach away from one another and cannot be combined. Havinis' MSC/HLR/GMLC/MLC system would be rendered inoperable with the rule structure and topology of Bates. Both devices are precision systems – the pieces of which cannot be randomly removed and utilized to form an entirely new device in hindsight. In doing so, the pieces would merely stitch together to form an inoperable device.

Additionally, for example, Havinis does not show or suggest entering a number into a display. Havinis has a very precise rule structure. Accordingly, Havinis directly teaches away from modifying the rule structure and could not be modified by Bates without eviscerating the spirit of the Havinis precision system.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 11, and any claims dependent therefrom, be withdrawn.

Claims 13-17

Claims 13-17 were rejected under 35 U.S.C. 103(a) as:

> "the limitations would have been obvious to one of ordinary skill in the art given the discussion above with respect to the references above. For example, note the map of Poulin et al. and the speed and direction shown in Bates … and … paragraphs 0052-53 of Rosen." (Office Action, page 4)

As shown in connection with the arguments for the patentability of claim 3 and applicant's general arguments, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system. Havinis' MSC/HLR/GMLC/MLC system would be rendered inoperable with the rule structure and topology of Poulin, Bates, and Rosen. Both devices are precision systems - the pieces of which cannot be randomly removed and utilized to form an entirely new device in hindsight. In doing so, the pieces would merely stitch together to form an inoperable device.

Additionally, for rejections under 35 U.S.C. § 103(a), the Examiner has the burden of showing each and every element of applicant's invention in the

prior art combination. If the Examiner is taking Official Notice, MPEP § 2144.03 requires that the facts of which notice are being taken be capable of instant and unquestionable demonstration as being well known in the art. *See In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). Applicant believes that the "facts" of which the Examiner may have taken Official Notice do not meet that standard, and invoke his right under MPEP § 2144.03 to have the Examiner provide documentary proof that those facts are actually well known. The Examiner "cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affadavit or declaration setting forth factual statements and explanation to such a finding. *See* MPEP 2144.03(c). The Examiner cannot make rejections using a reference or combination of references where the references do not show each and every element of a particular claim. Applicant respectfully requests that the Examiner withdraw any rejections that do not show the inclusion of each and every element of a particular claim in a reference or a combination of references.

Furthermore, none of the alleged prior art, used either alone or in combination, shows or suggests applicant’s invention of claim 13 that includes a data service user or dating service.

None of the alleged prior art, used either alone or in combination, shows or suggests applicant's invention of claim 14 that includes a displayed distance.

None of the alleged prior art, used either alone or in combination, shows or suggests applicant's invention of claim 15 that includes a displayed distance.

None of the alleged prior art, used either alone or in combination, shows or suggests applicant's invention of claim 16 that includes a displayed shortest path.

None of the alleged prior art, used either alone or in combination, shows or suggests applicant's invention of claim 17 that includes determining a route by utilizing the direction of travel.

In accordance with the foregoing, applicant respectfully requests that the rejections of claims 13-17 be withdrawn.

Claim 18

Claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Sheha.

The Examiner stated:

> "Sheha … teach that such is old in the art (see paragraph 106…" (Office Action, page 4)

Sheha, however, does not show or suggest applicant's invention of claim 18 of providing a highlight window for selecting one of the list of users on the first wireless telephonic device. Sheha also does not show or suggest applicant's invention of claim 18 of selecting, using the highlight window, one of the users from the list of users. Sheha merely includes dragging and dropping – and doing so in an unrelated system.

Neither Havinis nor Sheha, used either individually or in combination, show or suggest applicant's invention of claim 18 of providing a highlight window for selecting one of said list of users on said first wireless telephonic device, selecting, using said highlight window, one of said users from said list of users, and providing a display screen on said first wireless device for selecting location access rights for said selected user.

Furthermore, Havinis teaches directly away from Bates and is inoperable with Sheha. The devices are unrelated precision devices. The Examiner cannot pick and choose unrelated elements of unrelated devices and stitch them together, in hindsight, in order to create an entirely new, inoperable device neither shown nor suggested by the individual devices. Havinis' MSC/HLR/GMLC/MLC system would be rendered inoperable with the rule structure and topology of Sheha. In doing so, the Examiner merely eviscerates the spirit of both the Sheha and Havinis devices.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 18, and any claims dependent therefrom, be withdrawn.

Claim 19

Claim 19 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Rosen.

The Examiner stated:

> "Havinis … do not disclose the alerting aspects … Rosen teaches such at least at paragraph 0052-0053" (Office Action, page 3)

Rosen does not show or suggest applicant's invention of claim 19 of providing a display screen on a

first device for selecting a plurality of location alerts for a second wireless device and alerting said device in accordance with said selected location alert. Rosen's mere mention of a filter to "scan the city" does not show or suggest such a feature. As such, neither Havinis nor Rosen, used either alone or in combination, show or suggest such a feature.

As shown in connection with the arguments for the patentability of claim 3, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system. Similarly, Havinis and Rosen directly teach away from one another and cannot be combined. Havinis' MSC/HLR/GMLC/MLC system would be rendered inoperable with the rule structure and topology of Rosen. Both devices are precision systems – the pieces of which cannot be randomly removed and utilized to form an entirely new device in hindsight. In doing so, the pieces would merely stitch together to form an inoperable device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 8, and any claims dependent therefrom, be withdrawn.

Claim 20

Claim 20 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al. in view of Bates.

The Examiner stated "note paragraph 0050 of Bates…" (Office Action, page 4). Bates, however, does not show or suggest applicant's invention ofclaim 20 of utilizing a password to identify a device. Accordingly,

neither Bates nor Havinis, used either alone or in combination, show or suggest such a feature.

As shown in connection with the arguments for the patentability of claim 3, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system. Similarly, Havinis and Bates directly teach away from one another and cannot be combined. Havinis' MSC/HLR/GMLC/MLC system would be rendered inoperable with the rule structure and topology of Bates. Both devices are precision systems – the pieces of which cannot be randomly removed and utilized to form an entirely new device in hindsight. In doing so, the pieces would merely stitch together to form an inoperable device.

Additionally, for example, Havinis does not show or suggest passwords entered onto a device for identifying. Havinis has a very precise rule structure. Accordingly, Havinis directly teaches away from modifying the rule structure and could not be modified by Bates without eviscerating the spirit of the Havinis precision system.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 8, and any claims dependent therefrom, be withdrawn.

Rejections in view of Official Notice

Many of the rejections made by the Examiner appear to have been rejected in view of Official Notice. Any rejection that does not show each and every element of a claim in one or more references is an inadequate rejection.

For rejections under 35 U.S.C. § 103(a), the Examiner has the burden of showing each and every element of applicant's invention in the prior art combination. If the Examiner is taking Official Notice, MPEP § 2144.03 requires that the facts of which notice are being taken be capable of instant and unquestionable demonstration as being well known in the art. *See In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). Applicant believes that the "facts" of which the Examiner may have taken Official Notice do not meet that standard, and invoke his right under MPEP § 2144.03 to have the Examiner provide documentary proof that those facts are actually well known.

The Examiner "cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affadavit or declaration setting forth factual statements and explanation to such a finding. *See* MPEP 2144.03(c).

The Examiner cannot make rejections using a reference or combination of references where the references do not show each and every element of a particular claim. Applicant respectfully requests that the Examiner withdraw any rejections that do not show the inclusion of each and every element of a particular claim in a reference or a combination of references.

Conclusion

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

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

Respectfully Submitted,

/Jeffrey D. Mullen/

Jeffrey D. Mullen
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Customer No. 32733
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Pittsburgh, PA 15232
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Electronic Patent Application Fee Transmittal

Application Number:	11834674
Filing Date:	06-Aug-2007
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Filer:	Jeffrey David Mullen
Attorney Docket Number:	JDM/002 CON4

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with $0 paid	2253	1	555	555

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

Electronic Acknowledgement Receipt	
EFS ID:	10273272
Application Number:	11834674
International Application Number:	
Confirmation Number:	1117
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON4
Receipt Date:	09-JUN-2011
Filing Date:	06-AUG-2007
Time Stamp:	18:16:09
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$555
RAM confirmation Number	4933
Deposit Account	503855
Authorized User	MULLEN,JEFFREY D.
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)	
Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)	
Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		JDM-002CON4--Reply.pdf	55252 3da2e8a90d1a96482f237b5c7c614f2aa7114592	yes	29

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Amendment/Req. Reconsideration-After Non-Final Reject	1	1
Claims	2	9
Amendment/Req. Reconsideration-After Non-Final Reject	10	29

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	30351 5b35388e6f18e3fc19f18cd53af6cf10fd965cb2	no	2

Warnings:

Information:

Total Files Size (in bytes):	85603

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

<u>New Applications Under 35 U.S.C. 111</u>
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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

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

PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/834,674	Filing Date 08/06/2007	☐ To be Mailed

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)	SMALL ENTITY ☒		OR	OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE ($)	FEE ($)		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

		(Column 1)		(Column 2)	(Column 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
AMENDMENT	06/09/2011	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 18	Minus	** 20	= 0	X $26 =	0	OR	X $ =	
	Independent (37 CFR 1.16(h))	* 16	Minus	***16	= 0	X $110 =	0	OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

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

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

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

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

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

Legal Instrument Examiner:
/KIM DOWNING/

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.
11/834,674	08/06/2007	Jeffrey D. Mullen	JDM/002 CON4	1117

32733 7590 09/16/2011

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

EXAMINER	
DEANE JR, WILLIAM J	
ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
09/16/2011	PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	11/834,674	MULLEN, JEFFREY D.	
	Examiner	Art Unit	
	WILLIAM DEANE JR	2614	

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *09 June 2011*.

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

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

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

Disposition of Claims

5)☒ Claim(s) *3-20* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *3-20* 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) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

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

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

Claims 3 and 6 - 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,360,102 (Havinis).

With respect to claim 1, 6, 7 note that Havinis et al. teach the limitations of the instant claims, comprising:

creating on a wireless telephonic device a list including a plurality of users, wherein each one of said plurality of users is associated with a different one of a plurality of wireless telephonic devices (note the Subscriber Location Privacy Profile (SLPP)),. See also, Col. 2, lines 26 – 28, Col.4, lines 5 – 18, Col. 5, lines 35 – 59 and Col.5, lines 12 – 15.

With respect to the remote server, Havinis et al. do not explicitly disclose a remote server; note the Mobile Location Center and that in can be a separate node from the MSC/VLR (see Col. 8, lines 30 – 39. Therefore, it would have been obvious to one of ordinary skill in the art to have incorporated such a remote server in Havinis et al.

With respect to claim 7, the use of a “stationary computer” and using manual inputs is so notoriously old in the art, no art need be supplied. It is noted that a mobile phone or computer is at times stationary.

Claims 4 – 5, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,360,102 (Havinis et al.) in view of U.S. Patent application No. 20080288355 (Rosen).

Havinis et al. teach the claimed limitations (see above), but do not disclose the alerting aspects of the claimed limitations. However, note that Rosen teaches such at least at paragraphs 0052 - 0053. It would have been obvious to one of ordinary skill in the art to have incorporated such alerting as disclosed by Rosen into the Havinis et al. system in order to have a more efficient system. See also Col. 1, line 66 – Col. 2, line 2 of Jones.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al. in view of U.S. Patent Application No. 2002/0102989 (Calvert et al.).

Havinis et al teach the claimed limitations (see above), and it is noted that Havinis et al. teach at least 2 levels of access, access and no access. However, Calvert et al. teach the same levels of access as described in Applicant's specification. Note the approximate and exact locations in at least the Abstract of Calvert et al. It would have been obvious to one of ordinary skill in the art to have incorporated such levels of access as disclosed by Calvert et al. into the Havinis et al. device and method as such would only entail the substitution of known access levels.

Claims 9, 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al. in view of U.S. Patent Application No. 20090029717 (Bates et al).

Havinis et al. teach the claimed limitations except for the travel speed to determine an arrival time. However, note paragraphs 0044– 0045. It would have been

obvious to one of ordinary skill in the art to have incorporated such determining an arrival time as disclosed by Bates et al. into the Havinis et al device as a value-added option. Since Bates et al. teach both speed and distance the arrival time would be obvious to one of ordinary skill in the art. The same is true for displaying such to a user.

With respect to claim 20, note paragraph 0050 of Bates et al.

With respect to claim 12, note paragraph 0051 of Bates et al.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al in view of U.S. Patent Application No. 2002/0115453 (Poulin et al.).

With respect to claims 10 and 11, note that Havinis et al. teach the claimed limitations except for the map. However, note that Poulin et al. teach such at least in the Abstract and paragraph 0007. It would have been obvious to one of ordinary skill in the art to have incorporated a map into the Havinis et al. device as an added-value.

With respect to claims 13 – 17, the limitations would have been obvious to one of ordinary skill in the art given the discussion above with respect to the references above. For example, note the map of Poulin et al. and the speed and direction as shown in Bates et al. and at least paragraphs 0052 – 0053 of Rosen.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al. in view of U.S. Patent Application No. 2004/0054428 (Sheha et al.).

Havinis et al. teach the claimed limitations as shown above except for the use of highlights; however, Sheha et al. teach that such is old in the art (see paragraph 0106 of Sheha et al.). It would have been obvious to one of ordinary skill in the art to have

incorporated such selection means as highlighting into the Havinis et al. device in order to make it easier in selecting from the list.

Response to Arguments

Applicant argues about remote server and that Havinis does not disclose such. The examiner acknowledges that Havinis does not explicitly disclose a remote server and goes on to explain about the MLC and MSC/VLR. It should also be noted that whether the data is stored locally or remotely would have been obvious to one of ordinary skill in the art.

Applicant goes on to argue about the Havinis device being a precision system and therefore cannot be changed. The examiner disagrees and that such an argument is a self-serving statement. If such a statement were true all that an applicant would have to do is argue that any reference was a precision device and therefore no references would ever be combinable.

With respect to travel time, Bates gives rate and direction of travel and therefore it would have been obvious to one of ordinary skill in the art to determine an arrival time. It is also obvious to one of ordinary skill in the art to display whatever information a system can calculate or determine.

Applicant speaks much about Official Notice and invokes his right to have the examiner give a reference showing “missing elements”. However, the applicant's remarks are unfounded as this is an obviousness objection. For example, the combined references may not explicitly disclose one of applicant’s elements. However, as noted above, if one or both references disclose everything needed to calculate a parameter,

but does not display that particular parameter result but discloses displaying another yet different result, the question becomes would it have been obvious to one of ordinary skill to display the other result. In this example, the answer is yes. One has all the elements to obtain the result, but displayed a different result. In essence, all the elements have been disclosed.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Note the introduction of the Rosen reference.

Conclusion

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

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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

12Sep20011

/William J Deane/

Primary Examiner, Art Unit 2614

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11834674	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	2614

SEARCHED			
Class	Subclass	Date	Examiner
455	456.1	06May2009	WJD
	415		
	457		
	435		
	404.1		
	Updated the prior search	25Mar2010	WJD
	Updated the prior search	06Dec2010	WJD
	Updated the search above	12Sep2011	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11834674	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	2614

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

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	06/06/2009	03/25/2010	12/06/2010	09/12/2011					
	1	✓	✓	✓	-					
	2	✓	✓	✓	-					
	3	✓	✓	✓	✓					
	4	✓	✓	✓	✓					
	5	✓	✓	✓	✓					
	6	✓	✓	✓	✓					
	7	✓	✓	✓	✓					
	8	✓	✓	✓	✓					
	9	✓	✓	✓	✓					
	10	✓	✓	✓	✓					
	11	✓	✓	✓	✓					
	12	✓	✓	✓	✓					
	13	✓	✓	✓	✓					
	14	✓	✓	✓	✓					
	15	✓	✓	✓	✓					
	16	✓	✓	✓	✓					
	17	✓	✓	✓	✓					
	18	✓	✓	✓	✓					
	19	✓	✓	✓	✓					
	20	✓	✓	✓	✓					

Doc code: RCEX
Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (10-08)
Approved for use through 11/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)

Application Number	11834674	Filing Date	2007-08-06	Docket Number (if applicable)	JDM/002 CON4	Art Unit	2614
First Named Inventor	Jeffrey D. Mullen			Examiner Name	William Deane Jr.		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

☐ Other _____

☒ Enclosed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

☒ **The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**
The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 503855

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☐ Patent Practitioner Signature

☒ Applicant Signature

PTO/SB/30EFS (10-08)
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Applicant Signature			
Applicant 1		Remove	
Signature	/Jeffrey D. Mullen/	Date (YYYY-MM-DD)	2012-03-16
Name	Jeffrey D. Mullen		
Click ADD for additional Applicant Signature		Add	

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

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

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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.

SMALL ENTITY
JDM/002 CON4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Jeffrey D. Mullen
Application No.	:	11/834,674
Confirmation No.	:	1117
Filed	:	August 6, 2007
For	:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
Group Art Unit	:	2614
Examiner	:	William Deane Jr.

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

Pittsburgh, PA 15232
March 16, 2012

REPLY TO OFFICE ACTION

Sir:

This is in Reply to the Office Action dated December 9, 2010. A three-month extension of time and a Request for Continued Examination is applicable hereto and submitted herewith. In Reply to the Office Action, applicant amends the application as follows:

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

Remarks begin on page 10 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled)

3. (previously presented) A method comprising:

creating on a first wireless telephonic device a list including a plurality of users, wherein each one of said plurality of users is associated to a different one of a plurality of wireless telephonic devices;

allowing transmission of location information associated to said first wireless telephonic device to said list, wherein said allowance is provided to, and stored on, a remote server;

receiving at said remote server said location information and storing said location information; and

providing said location information to at least one of said plurality of users on said list by providing said location information to said different wireless telephonic device associated to the provided at least one users.

4. (previously presented) A method comprising:

requesting to be alerted on a first wireless device when a second wireless device enters a first area;

obtaining a location of said second wireless device;

determining whether said location is in said first area;

determining whether said second wireless device has provided said first wireless device with permission to obtain information associated with said location of said second wireless device; and

providing an alert to said first wireless device if said location is in said first area and if said second wireless device has provided said first wireless device with permission to obtain information associated with said location of said second wireless device.

5. (previously presented) The method of claim 4, wherein a positioning system is utilized to provide said location.

6. (previously presented) A system comprising:

a first wireless telephone;

a second wireless telephone; and

a server located remotely from said first and second wireless telephones, wherein said server receives and stores a first location representative of the location of said first wireless telephone, said server receives and stores a second location representative of the location of said second wireless telephone, said server receives and stores a first permission from said first wireless telephone for said second wireless telephone to receive location information associated with said first location, and said server sends said location information to said second wireless telephone after verifying said first permission.

7. (previously presented) A system comprising:

a first wireless telephone;

a stationary computer, wherein said stationary computer receives manual input to identify a user profile; and

a server located remotely from said first and second wireless telephones, wherein said server receives and stores a first location representative of the location of said first wireless telephone, said server receives and stores a first permission from said first wireless telephone for said user profile to receive location information associated with said first location, and said server sends said location information to said stationary computer after verifying said first permission and identifying said user profile associated with said stationary computer.

8. (previously presented) A method comprising:

providing a first level of access for information associated with a location of a first wireless device to a second wireless device by said first wireless device;

providing a second level of access for information associated with said location to a third wireless device by said first wireless device;

storing said first level of access and said second level of access on a remote server, wherein said first and second level of access are different; and

providing said information to said second wireless device in accordance with said first level of access; and

providing said information to said third wireless device in accordance with said second level of access.

9. (previously presented) A method comprising:

allowing a device to locate a first wireless device in accordance with access information stored on a remote server by said first wireless device;

locating said first wireless device a plurality of times and determining a travel speed based on said locating;

utilizing said travel speed to determine an arrival time to a destination; and

providing said arrival time to said device.

10. (previously presented) A method comprising:

allowing a device to locate a plurality of wireless devices based on access information provided by said plurality of wireless devices, wherein said access information is stored on a remote server;

determining a travel speed for at least one of said plurality of wireless devices; and

displaying the location of said plurality of wireless devices on a map on said device.

11. (previously presented) A method comprising:

allowing a device to locate a plurality of wireless devices based on access information provided by said plurality of wireless devices, wherein said access information is stored on a remote server; and

finding the closest one of said plurality of wireless devices to said device.

12. (previously presented) A method comprising:

providing a display screen on a first wireless telephonic device for said first wireless telephonic device to request the location of a different wireless device,

wherein a telephone number is operable to be entered on said display screen;

entering said telephone number on said display screen, wherein said telephone number is associated with said different wireless device;

requesting on said different wireless device that said different wireless device provides access information for said first wireless telephonic device; and

storing said access information on a remote server.

13. (previously presented) A method comprising:

determining whether a looking for profile of a first dating service user matches a profile of a second dating service user;

alerting said first dating service user of said second dating service user, wherein a first location of a first wireless telephonic device of said first dating service user and a second location of said second wireless telephonic device of said second service user are utilized in determining to provide said alert and said first and second locations are stored on a remote server; and

requesting access to a form of communication between said first and second dating service users

14. (previously presented) A method comprising:

determining the location of a first wireless device by a second wireless device in accordance with location access information stored on a remote server for said second wireless device by said first wireless device; and

utilizing the location of said second wireless device and the location of said first wireless device to determine the distance between said first and second wireless devices, wherein said distance is displayed on said second wireless device.

15. (previously presented) A method comprising:

determining the location of a first wireless device by a second wireless device in accordance with location access information stored on a remote server for said second wireless device by said first wireless device; and

utilizing the location of said second wireless device and said first wireless device to determine the shortest path between said first and second wireless devices, wherein said shortest path is displayed on said second wireless device.

16. (previously presented) A method comprising:

determining the location of a first wireless device by a second device in accordance with location access information stored on a remote server for said second device by said first wireless device;

determining that the location of a first wireless device is on a highway;

determining a route for a destination utilizing said determination that the location of a first wireless device is on said highway; and

determining an arrival time for said destination utilizing said determined route.

17. (previously presented) The method of claim

16, wherein said determining said route further utilizes the direction of travel of said first wireless device.

18. (previously presented) A method comprising:

providing a list of users on a first wireless telephonic device;

providing a highlight window for selecting one of said list of users on said first wireless telephonic device;

selecting, using said highlight window, one of said users from said list of users; and

providing a display screen on said first wireless device for selecting location access rights for said selected user with respect to the location of said first wireless telephonic device.

19. (previously presented) A method comprising:

providing a display screen on a first device for selecting a plurality of location alerts for a second wireless device; and

alerting said device in accordance with said selected location alert.

20. (previously presented) A method comprising:

utilizing a password entered on a first device to determine an identity of said first device;

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

utilizing said identity to determine whether said first device is allowed to access the location of said second wireless telephonic device, wherein said access is provided by said second device and is stored remotely; and

determining whether to provide the location of said second wireless telephonic device to said first device based on said access.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-20 are pending.

Claims 3 and 6-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,360,102 (hereinafter "Havinis").

Claims 4-5 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Rosen U.S. Patent Application No. 2008/0288355 (hereinafter "Rosen").

Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Calvert U.S. Patent Application No. 2002/0102989 (hereinafter "Calvert").

Claims 9, 12, and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al. in view of Bates U.S. Patent Application No. 20090029717 (hereinafter "Bates").

Claims 10 and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Poulin et al. U.S. Patent Application No. 2002/0115453 (hereinafter "Poulin")

Claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Sheha et al. U.S. Patent Application No. 2004/0054428 (hereinafter "Sheha et al.")

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to claim any subject matter lost by any amendments or cancellations during the prosecution of this application, or to claim any

subject matter included in the present application, in one or more continuation or divisional applications.

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

General Argument

The Examiner again stated:

> "Applicant goes on to argue about the Havinis device being a precision system and therefore cannot be changed. The Examiner disagrees and that such an argument is a self serving statement. If such a statement were true all that an applicant would have to do is argue that any reference was a precision device and therefore no references would ever be combinable" (Office Action, page 5)

It is the Examiner's statement, however, that is self serving.

Wireless communication topologies and stationary structures for communicating voice have been around for over a century. The first cell phone call was provided almost forty years ago.

Accordingly, if the Examiner cannot find any single reference that shows or suggests applicant's various inventions – in their entirety – then applicant's inventions are bona fide patentable due to the rich history of voluminous creativity in the field without the inclusion of applicant's invention.

The Examiner has failed to show any such reference.

Additionally, for this and similar art groups, obviousness is the exception – not the general rule. Especially, with respect to Havinis' precision MSC/HLR/GMLC/MLC/LA system.

In part, this is because combining references in a system, such as Havinis, would merely involve, at best, physically gluing them together – nothing more. Any other combination would include hindsight modification requiring both structural and functional changes outside those provided explicitly in the references due to the precision nature of the modifications. This is at least partially because every component of the device is to be considered in such a combination – not just one aspect – as every portion of the precision device is adversely impacted by almost any change to the device. In this manner, such combinations require complete hindsight redesigns of each element of the device so that the combination takes into account every single consequence and adjustment needed to enable the combination. Such a redesign, however, is outside the scope of what is permissible – it would just create an inoperable device which, in turn, would eviscerate the spirit of the individual references. Eviscerating the spirit of the individual references is also not permissible. Obviousness combinations cannot be made in hindsight and on a whim. In addition to the above reasons, applicant has added below additional exemplary reasons why the devices cannot be combined.

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

General Argument

The Examiner stated:

> "Applicant speaks much about Official Notice and invokes his right to have the examiner give a reference showing "missing elements." However, the applicant's remarks are unfounded as this is an obviousness rejection. For example, the combined references may not explicitly disclose one of applicant's elements." (Office Action, page 6)

An obviousness rejection, however, whose combination does not show or suggest an element is an obviousness rejection based on Official Notice. Official Notice is an obviousness rejection that does not show each and every element of a claim. The Examiner fails to show references that, when combined, explicitly show applicant's claimed invention. Applicant has demanded that a reference be provided. The Examiner has not done so. Applicant contends that the reference does not exist – let alone the motivation to combine and the operability of the combination. Accordingly, applicant's claims rejected in view of Official Notice are patentable.

Claim 3

Claims 3 was rejected under 35 U.S.C. 103(a) as being unpatentable Havinis.

Applicant's invention of claim 3, however, includes creating on a first wireless telephonic device a list including a plurality of users and storing an allowance and location information on a remote server. Havinis does not show or suggest such a feature.

The Examiner has not provided a reference to combine with Havinis. Applicant invokes his right under MPEP § 2144.03 to require the Examiner provide documentary evidence of the missing elements not provided in Havinis.

Additionally, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Even a minor change to one characteristic of Havinis could render Havinis inoperable. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system and is outside the contemplations of Havinis. For example, changing any storage topology in Havinis would have a snowballing impact throughout the entire Havinis system. Individual storage would need to be significantly different – if even possible at the time of Havinis – in order to provide Havinis with the needed bandwidth, response time, power considerations, and any other characteristic that would affect a storage decision. Thus, Havinis cannot be combined with any reference.

Furthermore, the Examiner stated:

> "it should be noted whether the data is stored locally or remotely would have been obvious…" (Office Action, page 5)

Whether the data is stored remotely or locally is irrelevant. Applicant's invention of claim 3, however, includes both a different structure and function than what is provided in Havinis. As a different structure and function is provided, applicant's invention of claim 3 is prima facie patentable and obviousness is not applicable.

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

Claims 4 and 5

Claims 4 and 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Rosen.

The Examiner stated:

> "Applicant speaks much about Official Notice and invokes his right to have the examiner give a reference showing "missing elements." However, the applicant's remarks are unfounded as this is an obviousness rejection. For example, the combined references may not explicitly disclose one of applicant's elements." (Office Action, page 6)

An obviousness rejection, however, whose combination does not show or suggest an element is an obviousness rejection based on Official Notice. Official Notice is an obviousness rejection that does not show each and every element of a claim. The Examiner fails to show references that, when combined, explicitly show applicant's claimed invention. Applicant has demanded that a reference be provided. The Examiner has not done so as the reference does not exist, in addition to a lack of motivation to combine and operability in the combination, and the claims are patentable.

Furthermore, the Examiner stated:

> "Havinis … do not disclose the alerting aspects … Rosen teaches such at least at paragraph 0052-0053" (Office Action, page 3)

Rosen, however, does not show or suggest applicant's invention of claim 4 of providing an alert to the first wireless device if the location is in the first area and if the second wireless device has provided the first wireless device with permission to obtain information associated with said location of said second wireless

device. Rosen's mere mention of a filter to "scan the city" does not show or suggest such a feature.

As shown in connection with the arguments for the patentability of claim 3, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system. Similarly, Havinis and Rosen directly teach away from one another and cannot be combined. For example, Havinis would be rendered inoperable if Havinis had to be modified to "scan the city" – or vice versa. Both devices are precision systems – the pieces of which cannot be randomly removed and utilized to form an entirely new device in hindsight. In doing so, the pieces would merely stitch together to form an inoperable device.

Additionally, for example, Havinis does not show or suggest alerting in any form. Instead, Havinis discusses alternative forms of data communication. Accordingly, Havinis directly teaches away from alerting and could not be modified by Rosen without eviscerating the spirit of the Havinis precision system.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 4 and 5, and any claims dependent therefrom, be withdrawn.

Claim 6

Claims 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis.

Applicant directs the Examiner's attention to the arguments for patentability of claim 3 and, in particular, the arguments regarding the modifications to Havinis.

Applicant's invention of claim 6, however, includes a server that stores a location and permission. Havinis does not show or suggest this feature. Applicant invokes his right under MPEP § 2144.03 to require the Examiner provide documentary evidence of the missing elements not provided in Havinis.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 6, and any claims dependent therefrom, be withdrawn.

Claim 7

Claims 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis.

Applicant directs the Examiner's attention to the arguments for patentability of claim 3 and, in particular, the arguments regarding the modifications to Havinis.

Applicant's invention of claim 7, however, includes a server that stores a location and permission. Applicant invokes his right under MPEP § 2144.03 to require the Examiner provide documentary evidence of the missing elements not provided in Havinis.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 7, and any claims dependent therefrom, be withdrawn.

Claim 8

Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Calvert.

As admitted by the Examiner, Havinis does not show or suggest various levels of access. The Examiner alleges that Havinis discusses "access and no access." Under the Examiner's allegation, nothing would ever be sent under "no access." Office Action, page 3. Accordingly, Havinis does not show or suggest applicant's invention of claim 8 of providing information to the second wireless device in accordance with the first level of access and providing the information to the third wireless device in accordance with the second level of access.

This is because Havinis has a very precise rule structure. Changing the rule structure of Havinis would render Havinis inoperable. Introducing the rule structure of Havinis into Calvert would, also, render Calvert inoperable. The spirit of both systems would be eviscerated by changing the rule structure that the entire Havinis and Calvert systems rely on. Accordingly, Havinis and Calvert not only directly teach away from one another - but would be rendered inoperable with such a combination.

Accordingly, neither Havinis nor Calvert, used either alone or in combination, show or suggest applicant's invention of claim 8. In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 8, and any claims dependent therefrom, be withdrawn.

Claim 9

Claims 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al. in view of Bates.

Applicant's invention of claim 9 includes determining a travel speed and utilizing the travel speed to determine an arrival time to a destination.

The Examiner stated:

> "with respect to travel time, Bates gives rate and direction of travel and therefore one of ordinary skill would be able to determine an arrival time" (Office Action, page 5)

Whether someone is "able" to build a structure is irrelevant to patentability. Someone has to invent the structure. Here, applicant has invented the structure.

The Examiner must show a reference that discuses a combinable feature of an arrival time and a motivation to combine. The Examiner has not done so. Applicant invokes his right under MPEP § 2144.03 to require the Examiner provide documentary evidence of the missing elements not provided in Bates.

Again, Bates merely alleges determining a rate and direction of travel (*See* Bates, paragraph 45). A rate and direction of travel is not an arrival time to a destination. Havinis does not correct for this deficiency. Accordingly, neither Havinis nor Bates, used either alone or in combination, show or suggest applicant's invention of claim 9 includes determining a travel speed and utilizing the travel speed to determine an arrival time to a destination.

Furthermore, as shown in connection with the arguments for the patentability of claim 3, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system. Similarly, Havinis and Calvert directly teach away from one another and cannot be combined. For example, Havinis' MSC/HLR/GMLC/MLC system would be rendered inoperable with the rule structure and topology of Bates.

Both devices are precision systems – the pieces of which cannot be randomly removed and utilized to form an entirely new device in hindsight. In doing so, the pieces would merely stitch together to form an inoperable device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 9, and any claims dependent therefrom, be withdrawn.

Claim 10

Claims 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Poulin.

The Examiner stated:

> "Poulin … teach such [a map] … in at least the Abstract and paragraph 7." (Office Action, page 4)

Neither Havinis nor Poulin, however, used either individually or in combination, show or suggest applicant's invention of claim 10 of allowing a device to locate a plurality of wireless devices based on access information provided by said plurality of wireless devices and determining the travel speed of at least one of the plurality of wireless devices.

Furthermore, as shown in connection with the arguments for the patentability of claim 3, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system. Similarly, Havinis and Calvert directly teach away from one another and cannot be combined.

Havinis' MSC/HLR/GMLC/MLC system would be rendered inoperable with the rule structure and topology of Poulin. Both devices are precision systems – the pieces of which cannot be randomly removed and utilized to form an entirely new device in hindsight. In doing so, the pieces would merely stitch together to form an inoperable device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 10, and any claims dependent therefrom, be withdrawn.

Claim 11

Claim 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Poulin.

Neither Havinis nor Poulin, used either individually or in combination, show or suggest applicant's invention of claim 11 of allowing a device to locate a plurality of wireless devices based on access information provided by said plurality of wireless devices, wherein said access information is stored on a remote server and finding the closest one of said plurality of wireless devices to said device.

Furthermore, as shown in connection with the arguments for the patentability of claim 3, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system. Similarly, Havinis and Poulin directly teach away from one another and cannot be combined. Havinis' MSC/HLR/GMLC/MLC system would be rendered inoperable with the rule structure and topology of Poulin.

Both devices are precision systems – the pieces of which cannot be randomly removed and utilized to form an entirely new device in hindsight. In doing so, the pieces would merely stitch together to form an inoperable device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 11, and any claims dependent therefrom, be withdrawn.

Claim 12

Claims 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al. in view of Bates.

Neither Havinis nor Bates, used either alone or in combation, show or suggest providing a display screen on a first wireless telephonic device for said first wireless telephonic device to request the location of a different wireless device and entering the telephone number on said display screen. Both Bates and Havinis are silent on display screen configurations.

Furthermore, as shown in connection with the arguments for the patentability of claim 3, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system. Similarly, Havinis and Bates directly teach away from one another and cannot be combined. Havinis' MSC/HLR/GMLC/MLC system would be rendered inoperable with the rule structure and topology of Bates. Both devices are precision systems – the pieces of which cannot be randomly removed and utilized to form an entirely

new device in hindsight. In doing so, the pieces would merely stitch together to form an inoperable device.

Additionally, for example, Havinis does not show or suggest entering a number into a display. Havinis has a very precise rule structure. Accordingly, Havinis directly teaches away from modifying the rule structure and could not be modified by Bates without eviscerating the spirit of the Havinis precision system.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 11, and any claims dependent therefrom, be withdrawn.

Claims 13-17

Claims 13-17 were rejected under 35 U.S.C. 103(a) as:

> "the limitations would have been obvious to one of ordinary skill in the art given the discussion above with respect to the references above. For example, note the map of Poulin et al. and the speed and direction shown in Bates … and … paragraphs 0052-53 of Rosen." (Office Action, page 4)

As shown in connection with the arguments for the patentability of claim 3 and applicant's general arguments, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system. Havinis' MSC/HLR/GMLC/MLC system would be rendered inoperable with the rule structure and topology of Poulin, Bates, and Rosen. Both

devices are precision systems - the pieces of which cannot be randomly removed and utilized to form an entirely new device in hindsight. In doing so, the pieces would merely stitch together to form an inoperable device.

Additionally, for rejections under 35 U.S.C. § 103(a), the Examiner has the burden of showing each and every element of applicant's invention in the prior art combination. If the Examiner is taking Official Notice, MPEP § 2144.03 requires that the facts of which notice are being taken be capable of instant and unquestionable demonstration as being well known in the art. *See In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). Applicant believes that the "facts" of which the Examiner may have taken Official Notice do not meet that standard, and invoke his right under MPEP § 2144.03 to have the Examiner provide documentary proof that those facts are actually well known. The Examiner "cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affadavit or declaration setting forth factual statements and explanation to such a finding. *See* MPEP 2144.03(c). The Examiner cannot make rejections using a reference or combination of references where the references do not show each and every element of a particular claim. Applicant respectfully requests that the Examiner withdraw

any rejections that do not show the inclusion of each and every element of a particular claim in a reference or a combination of references.

Furthermore, none of the alleged prior art, used either alone or in combination, shows or suggests applicant's invention of claim 13 that includes a data service user or dating service.

None of the alleged prior art, used either alone or in combination, shows or suggests applicant's invention of claim 14 that includes a displayed distance.

None of the alleged prior art, used either alone or in combination, shows or suggests applicant's invention of claim 15 that includes a displayed distance.

None of the alleged prior art, used either alone or in combination, shows or suggests applicant's invention of claim 16 that includes a displayed shortest path.

None of the alleged prior art, used either alone or in combination, shows or suggests applicant's invention of claim 17 that includes determining a route by utilizing the direction of travel.

In accordance with the foregoing, applicant respectfully requests that the rejections of claims 13-17 be withdrawn.

Claim 18

Claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Sheha.

The Examiner stated:

> "Sheha … teach that such is old in the art (see paragraph 106…" (Office Action, page 4)

Sheha, however, does not show or suggest applicant's invention of claim 18 of providing a highlight

window for selecting one of the list of users on the first wireless telephonic device. Sheha also does not show or suggest applicant's invention of claim 18 of selecting, using the highlight window, one of the users from the list of users. Sheha merely includes dragging and dropping – and doing so in an unrelated system.

Neither Havinis nor Sheha, used either individually or in combination, show or suggest applicant's invention of claim 18 of providing a highlight window for selecting one of said list of users on said first wireless telephonic device, selecting, using said highlight window, one of said users from said list of users, and providing a display screen on said first wireless device for selecting location access rights for said selected user.

Furthermore, Havinis teaches directly away from Bates and is inoperable with Sheha. The devices are unrelated precision devices. The Examiner cannot pick and choose unrelated elements of unrelated devices and stitch them together, in hindsight, in order to create an entirely new, inoperable device neither shown nor suggested by the individual devices. Havinis' MSC/HLR/GMLC/MLC system would be rendered inoperable with the rule structure and topology of Sheha. In doing so, the Examiner merely eviscerates the spirit of both the Sheha and Havinis devices.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 18, and any claims dependent therefrom, be withdrawn.

Claim 19

Claim 19 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Rosen.

The Examiner stated:

> "Havinis … do not disclose the alerting aspects … Rosen teaches such at least at paragraph 0052-0053" (Office Action, page 3)

Rosen does not show or suggest applicant's invention of claim 19 of providing a display screen on a first device for selecting a plurality of location alerts for a second wireless device and alerting said device in accordance with said selected location alert. Rosen's mere mention of a filter to "scan the city" does not show or suggest such a feature. As such, neither Havinis nor Rosen, used either alone or in combination, show or suggest such a feature.

As shown in connection with the arguments for the patentability of claim 3, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system. Similarly, Havinis and Rosen directly teach away from one another and cannot be combined. Havinis' MSC/HLR/GMLC/MLC system would be rendered inoperable with the rule structure and topology of Rosen. Both devices are precision systems – the pieces of which cannot be randomly removed and utilized to form an entirely new device in hindsight. In doing so, the pieces would merely stitch together to form an inoperable device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 8, and any claims dependent therefrom, be withdrawn.

Claim 20

Claim 20 was rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al. in view of Bates.

The Examiner stated “note paragraph 0050 of Bates…” (Office Action, page 4). Bates, however, does not show or suggest applicant’s invention ofclaim 20 of utilizing a password to identify a device. Accordingly, neither Bates nor Havinis, used either alone or in combination, show or suggest such a feature.

As shown in connection with the arguments for the patentability of claim 3, Havinis is a precision system of a precise construction. The precision in Havinis is required to be precise in order for Havinis to allegedly operate. Accordingly, Havinis cannot be changed in any structural way as any change would significantly impact the operation and the spirit of the Havinis system. Similarly, Havinis and Bates directly teach away from one another and cannot be combined. Havinis’ MSC/HLR/GMLC/MLC system would be rendered inoperable with the rule structure and topology of Bates. Both devices are precision systems – the pieces of which cannot be randomly removed and utilized to form an entirely new device in hindsight. In doing so, the pieces would merely stitch together to form an inoperable device.

Additionally, for example, Havinis does not show or suggest passwords entered onto a device for identifying. Havinis has a very precise rule structure. Accordingly, Havinis directly teaches away from modifying the rule structure and could not be modified by Bates without eviscerating the spirit of the Havinis precision system.

In light of the foregoing, applicant respectfully requests that the Examiner’s rejection of claims 8, and any claims dependent therefrom, be withdrawn.

Rejections in view of Official Notice

Many of the rejections made by the Examiner appear to have been rejected in view of Official Notice. Any rejection that does not show each and every element of a claim in one or more references is an inadequate rejection.

For rejections under 35 U.S.C. § 103(a), the Examiner has the burden of showing each and every element of applicant's invention in the prior art combination. If the Examiner is taking Official Notice, MPEP § 2144.03 requires that the facts of which notice are being taken be capable of instant and unquestionable demonstration as being well known in the art. *See In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). Applicant believes that the "facts" of which the Examiner may have taken Official Notice do not meet that standard, and invoke his right under MPEP § 2144.03 to have the Examiner provide documentary proof that those facts are actually well known.

The Examiner "cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affadavit or declaration setting forth factual statements and explanation to such a finding. *See* MPEP 2144.03(c).

The Examiner cannot make rejections using a reference or combination of references where the references do not show each and every element of a particular claim.

Applicant respectfully requests that the Examiner withdraw any rejections that do not show the inclusion of each and every element of a particular claim in a reference or a combination of references.

Conclusion

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

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

Respectfully Submitted,

/Jeffrey D. Mullen/

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Electronic Patent Application Fee Transmittal

Application Number:	11834674
Filing Date:	06-Aug-2007
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Filer:	Jeffrey David Mullen
Attorney Docket Number:	JDM/002 CON4

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with $0 paid	2253	1	635	635

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
Request for continued examination	2801	1	465	465
		Total in USD ($)		**1100**

Electronic Acknowledgement Receipt	
EFS ID:	12329421
Application Number:	11834674
International Application Number:	
Confirmation Number:	1117
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON4
Receipt Date:	16-MAR-2012
Filing Date:	06-AUG-2007
Time Stamp:	20:12:41
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$1100
RAM confirmation Number	6526
Deposit Account	503855
Authorized User	MULLEN,JEFFREY D.
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees) Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees) Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	JDM-002C4--RCE.pdf	697275 ce10d3fb475108456566d579810f84763282 79924	no	3
Warnings:					
Information:					
2		JDM-002CON4--Reply.pdf	57679 49a80711f227100422a22a8fb3146262112 d2691	yes	31

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment Submitted/Entered with Filing of CPA/RCE	1	1
	Claims	2	9
	Amendment/Req. Reconsideration-After Non-Final Reject	10	31

Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32173 e0a4948d7aedab3f811a5ba619307d91c02 224cd	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	787127	

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

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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

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

PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/834,674	Filing Date 08/06/2007	☐ To be Mailed

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)	SMALL ENTITY ☒		OR	OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE ($)	FEE ($)		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

		(Column 1)		(Column 2)	(Column 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
AMENDMENT	**03/16/2012**	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 17	Minus	** 20	= 0	X $30 =	0	OR	X $ =	
	Independent (37 CFR 1.16(h))	* 16	Minus	***16	= 0	X $125 =	0	OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

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

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

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

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

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

Legal Instrument Examiner:
/DEBRA SAVOY/

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.
11/834,674	08/06/2007	Jeffrey D. Mullen	JDM/002 CON4	1117

32733 7590 09/10/2013

JEFFREY D. MULLEN
1310 Riverfront Drive
PITTSBURGH, PA 15238

EXAMINER	
DEANE JR, WILLIAM J	
ART UNIT	**PAPER NUMBER**
2652	
MAIL DATE	**DELIVERY MODE**
09/10/2013	PAPER

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

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

Office Action Summary	Application No. 11/834,674	Applicant(s) MULLEN, JEFFREY D.	
	Examiner WILLIAM DEANE JR	Art Unit 2652	AIA (First Inventor to File) Status No

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *03/16/2012*.

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

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

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

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

Disposition of Claims

5)☒ Claim(s) *3-20* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *3-20* is/are rejected.

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

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

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

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

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

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some * c)☐ None of the:

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

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

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

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

Attachment(s)

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

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

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

4) ☐ Other: _____.

The present application is being examined under the pre-AIA first to invent provisions.

DETAILED ACTION

Claim Rejections - 35 USC § 103

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

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

Claims 3 - 7, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.).

With respect to claim 3, note that Barclay et al. teach determining a location of a first wireless device (FIG. 4, step 407 and paragraph 0012);

providing said location to a facility (the service provider in paragraphs 0016 and 0017);

requesting said location of said first wireless device by a second wireless device (paragraph 0020 and step 413). In addition, note Fig.5;

providing a permission by said first wireless device for said second wireless device to access location information about said location storing said permission in said facility, wherein said facility is located remotely from said first and second wireless devices (paragraph 0018 and service provider) ;

providing said location information about said location from said facility to said second wireless device in accordance with said permission (paragraph 0018).

What Barclay et al. do not disclose is the, "creating on a first wireless telephonic device a list including a plurality of users, wherein each one of said plurality of users is associated to a different one of a plurality of wireless telephonic devices." However, such is believed to be inherent in Barclay et al. If this is argued, note Fig. 16A of Kalthoff et al. It would have been obvious to one of ordinary skill in the art to have created such a list as taught by Kalthoff et al. into the Barclay et al. in order to have a more efficient system.

With respect to claim 4, note Fig. 16B and paragraph 0050 of Kalthoff et al.

With respect to claim 5, note GPS system 109 in Fig. 1 of Barclay et al. and at least paragraph 0012 of Kalthoff.

With respect to claim 6 and 7, note the rejections above. In addition, note use of profiles in at least paragraph 0016 of Barclay et al. Additionally, note the multiple records kept at data processing system 28 on paragraph 0045 of Kalthoff et al.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.).

With respect to claim 8, note the rejections above and Col. 2, line 19 – Col. 3, line 11.and paragraphs 0014 – 0016 with regard to access levels. If this is not agreed, note Fig. 5, elements 505, 506 and 507 of Krasner et al. It would have been obvious to one of ordinary skill in the art to have incorporated the access levels as disclosed by Krasner et al. into Barclay et al./Kalthoff et al. system, as such would only entail the substitution of one known set of access levels for another.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.) and U.S. Patent Application No. 2009/0029717 (Bates).

With respect to claims 9, Barclay et al./Kalthoff et al./Krasner et al. do not explicitly disclose speed and direction of travel, however, note that Bates et al. teach such at paragraph 0045. It would have been obvious to have incorporated such speed and directions as taught by Bates et al. into the Barclay et al./Kalthoff et al./Krasner et al. system in order to have a more efficient map for a user.

Claims 10 -13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.) and U.S. Patent Application No.

2009/0029717 (Bates) and U.S Patent No. 6,885,874 (Grube et al.).

Note that Barclay discloses maps (see paragraphs 0017 and 0022). In addition, note Fig. 12 of Kalthoff et al. and paragraph 0044 of Krasner et al. However, Grube et al. explicitly teach the claimed limitations. Grube et al. teach the claimed limitations at Col. 5, lines 2 - 4, Col. 6, lines 14 - 26 and Col. 6, line 59 - Col. 7, line 6 and Col. 16, lines 11 - 26. It would have been obvious to one of ordinary skill in the art to have incorporated such limitations as disclosed by Grube et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al. system in order to have a more efficient map system.

With respect to claim 11, such a limitation would have been obvious in light of the maps disclosed in the references above. One would only need see the device on the map to know which device was the closest.

With respect to claim 12, such a limitation would be obvious in light of the references cited above.

With respect to claim 13, note that Bates et al. discloses the use of profiles at paragraph 0022 and note use of profiles in at least paragraph 0016 of Barclay et al. Additionally, note the multiple records kept at data processing system 28 in paragraph 0045 of Kalthoff et al.

A dating profile would have been obvious to one of ordinary skill in the art as such would only entail the substitution or addition of one known profile or group for another.

Claims 14 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.) and U.S. Patent Application No. 2009/0029717 (Bates) and U.S Patent No. 6,885,874 (Grube et al.) and U.S. Patent Application No. 2002/0102989 (Calvert et al.).

With respect to claim 14, the limitations are taught by the references noted above. With respect to the distance between devices, note the Abstract of Kalthoff et al. If this is argued, note paragraphs 0052 and 0060 of Calvert et al. It would have been obvious to one of ordinary skill in the art to have incorporated the ability to determine the distance between devices as taught by Calvert et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al. system as such would only involve manipulating data that already known by the system.

With respect to claim 15, note Col. 22, line 7 – 11 of Grube et al.

With respect to claim 16, note paragraph 0014 of Barclay et al. and paragraph 0014 of Kalthoff et al. and Col. 6, lines 33 – 58 of Grube et al.

With respect to claim 17, note the rejections above.

Claims 18 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.) and U.S. Patent Application No.

2009/0029717 (Bates) and U.S Patent No. 6,885,874 (Grube et al.) and U.S. Patent Application No. 2002/0102989 (Calvert et al.) and U.S. Patent Application No. 2004/0054428 (Sheha et al.).

Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al. teach the claimed limitations as shown above except for the use of highlights; however, Sheha et al. teach that such is old in the art (see paragraph 0106 of Sheha et al.). It would have been obvious to one of ordinary skill in the art to have incorporated such selection means as highlighting as taught by Sheha et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al. device in order to make it easier in selecting from the list.

With respect to claim 19, such limitations would have been obvious to one of ordinary skill in the art in light of the references and rejections above.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.) and U.S. Patent Application No. 2009/0029717 (Bates) and U.S Patent No. 6,885,874 (Grube et al.) and U.S. Patent Application No. 2002/0102989 (Calvert et al.) and U.S. Patent Application No. 2004/0054428 (Sheha et al.) and further in view of U.S. Patent No. 7,072,956 (Parupudi et al.) or in the

alternative U.S. Patent No. 6,716,101 (Meadows et al.) or alternatively U.S. Patent No. 7,013,148 (Ganesh et al.)

Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al./Sheha et al. teach the claimed limitations except for the login aspects. However, note that Parupudi et al. teach such login aspects (see example 10). It would have been obvious to one of ordinary skill in the art to have incorporated such login aspects as taught by Parupudi et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al./Sheha et al. system in order to provide better security.

In the alternative, note Fig. 4A of Meadows et al. It would have been obvious to one of ordinary skill in the art to have incorporated such login aspects as taught by Meadows et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al./Sheha et al. system in order to provide better security.

Alternatively, note Fig 3 of Ganesh et al. It would have been obvious to one of ordinary skill in the art to have incorporated such login aspects as taught by Ganesh et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al./Sheha et al. system in order to provide better security.

Response to Arguments

Applicant's arguments with respect to claims 1 – 20 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the Abstracts and Figs of the additional references cited on the accompanying 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Deane whose telephone number is 571-272-7484. The examiner can normally be reached on Monday - FRIDAY from 9:00 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The official fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. However, unofficial faxes can be direct to the examiners computer at 571 273 - 7484.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

06Sep2013

/William J Deane/

Primary Examiner, Art Unit 2652

Notice of References Cited	Application/Control No. 11/834,674	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.	
	Examiner WILLIAM DEANE JR	Art Unit 2652	Page 1 of 2

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2003/0119522	06-2003	Barclay et al.	455/456
*	B	US-2001/0048364	12-2001	Kalthoff et al.	340/573.1
*	C	US-2003/0069692	04-2003	Krasner et al.	701/213
*	D	US-2009/0029717	01-2009	Bates et al.	455/456.1
*	E	US-6,885,874	04-2005	Grube et al.	455/520
*	F	US-2002/0102989	08-2002	Calvert et al.	455/456
*	G	US-2004/0054428	03-2004	Sheha et al.	700/056
*	H	US-7,072,956	07-2006	Parupudi et al.	709/223
*	I	US-6,716,101	04-2004	Meadows et al.	455/456.1
*	J	US-7,013,148	03-2006	Ganesh, Rajamani	455/456.1
*	K	US-2002/0164998	11-2002	Younis, Saed	455/456
*	L	US-6,975,998	12-2005	Jones, Martin Kelly	705/7.26
*	M	US-7,215,965	05-2007	Fournier et al.	455/456.1

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Notice of References Cited	Application/Control No. 11/834,674	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.	
	Examiner WILLIAM DEANE JR	Art Unit 2652	Page 2 of 2

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-7,010,306	03-2006	Tanibayashi et al.	455/456.1
*	B	US-2002/0115453	08-2002	Poulin et al.	455/456
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11834674	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	2614

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
455	456.1	06May2009	WJD
	415		
	457		
	435		
	404.1		
	Updated the prior search	25Mar2010	WJD
	Updated the prior search	06Dec2010	WJD
	Updated the search above	12Sep2011	WJD
	Updated the search above	06Sep2013	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11834674	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	2614

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

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	06/06/2009	03/25/2010	12/06/2010	09/12/2011	09/06/2013				
	1	✓	✓	✓	-	-				
	2	✓	✓	✓	-	-				
	3	✓	✓	✓	✓	✓				
	4	✓	✓	✓	✓	✓				
	5	✓	✓	✓	✓	✓				
	6	✓	✓	✓	✓	✓				
	7	✓	✓	✓	✓	✓				
	8	✓	✓	✓	✓	✓				
	9	✓	✓	✓	✓	✓				
	10	✓	✓	✓	✓	✓				
	11	✓	✓	✓	✓	✓				
	12	✓	✓	✓	✓	✓				
	13	✓	✓	✓	✓	✓				
	14	✓	✓	✓	✓	✓				
	15	✓	✓	✓	✓	✓				
	16	✓	✓	✓	✓	✓				
	17	✓	✓	✓	✓	✓				
	18	✓	✓	✓	✓	✓				
	19	✓	✓	✓	✓	✓				
	20	✓	✓	✓	✓	✓				

SMALL ENTITY
JDM/002 CON4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Jeffrey D. Mullen
Application No.	:	11/834,674
Confirmation No.	:	1117
Filed	:	August 6, 2007
For	:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
Group Art Unit	:	2614
Examiner	:	William Deane Jr.

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

Pittsburgh, PA 15238
March 10, 2014

REPLY TO OFFICE ACTION

Sir:

This is in Reply to the Office Action dated September 9, 2014. A three-month extension of time is applicable hereto and submitted herewith. In Reply to the Office Action, applicant amends the application as follows:

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

Remarks begin on page 10 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled)

3. (previously presented) A method comprising:

creating on a first wireless telephonic device a list including a plurality of users, wherein each one of said plurality of users is associated to a different one of a plurality of wireless telephonic devices;

allowing transmission of location information associated to said first wireless telephonic device to said list, wherein said allowance is provided to, and stored on, a remote server;

receiving at said remote server said location information and storing said location information; and

providing said location information to at least one of said plurality of users on said list by providing said location information to said different wireless telephonic device associated to the provided at least one users.

4. (previously presented) A method comprising:

requesting to be alerted on a first wireless device when a second wireless device enters a first area;

obtaining a location of said second wireless device;

determining whether said location is in said first area;

determining whether said second wireless device has provided said first wireless device with permission to obtain information associated with said location of said second wireless device; and

providing an alert to said first wireless device if said location is in said first area and if said second wireless device has provided said first wireless device with permission to obtain information associated with said location of said second wireless device.

5. (previously presented) The method of claim 4, wherein a positioning system is utilized to provide said location.

6. (currently amended) A system comprising:

a first wireless telephone;

a second wireless telephone; and

a server located remotely from said first and second wireless telephones, wherein said server receives and stores a first location representative of the location of said first wireless telephone, said server receives and stores a second location representative of the location of said second wireless telephone, said server receives and stores a first permission from said first wireless telephone for said second wireless telephone to receive location information associated with said first location according to a first level of location access from several levels of location access provided on a first graphical interface on said first wireless telephone after selecting said second wireless telephone on a second graphical interface on said first wireless telephone, and said server sends said location information to said second wireless

telephone after verifying said first permission.

7. (previously presented) A system comprising:

a first wireless telephone;

a stationary computer, wherein said stationary computer receives manual input to identify a user profile; and

a server located remotely from said first and second wireless telephones, wherein said server receives and stores a first location representative of the location of said first wireless telephone, said server receives and stores a first permission from said first wireless telephone for said user profile to receive location information associated with said first location, and said server sends said location information to said stationary computer after verifying said first permission and identifying said user profile associated with said stationary computer.

8. (currently amended) A method comprising:

providing a first level of access for information associated with a location of a first wireless device to a second wireless device by said first wireless device <u>on a first graphical interface on said first wireless device after selecting said second wireless device on a second graphical interface on said first wireless device</u>;

providing a second level of access for information associated with said location to a third wireless device by said first wireless device;

storing said first level of access and said second level of access on a remote server, wherein said first and second level of access are different; and

providing said information to said second wireless device in accordance with said first level of access; and

providing said information to said third wireless device in accordance with said second level of access.

9. (previously presented) A method comprising:

allowing a device to locate a first wireless device in accordance with access information stored on a remote server by said first wireless device;

locating said first wireless device a plurality of times and determining a travel speed based on said locating;

utilizing said travel speed to determine an arrival time to a destination; and

providing said arrival time to said device.

10. (currently amended) A method comprising:

allowing a device to locate a plurality of wireless devices based on access information for said device provided by said plurality of wireless devices, wherein said access information is stored on a remote server;

determining a travel speed for at least one of said plurality of wireless devices; and

displaying on said device the location of said plurality of wireless devices on a map on said device.

11. (currently amended) A method comprising:

allowing a device to locate a plurality of wireless devices based on access information provided by

said plurality of wireless devices, wherein said access information is stored on a remote server; and

providing an option of finding the closest one of said plurality of wireless devices to said device.

12. (previously presented) A method comprising:

providing a display screen on a first wireless telephonic device for said first wireless telephonic device to request the location of a different wireless device, wherein a telephone number is operable to be entered on said display screen;

entering said telephone number on said display screen, wherein said telephone number is associated with said different wireless device;

requesting on said different wireless device that said different wireless device provides access information for said first wireless telephonic device; and

storing said access information on a remote server.

13. (currently amended) A method comprising:

determining whether a looking for profile of a first dating service user matches a profile of a second dating service user;

alerting said first dating service user of said second dating service user, wherein a first location of a first wireless telephonic device of said first dating service user and a second location of said second wireless telephonic device of said second service user are utilized in determining to provide said alert and said first and second locations are stored on a remote server; and

requesting access to a form of communication between said first and second dating service users.

14. (currently amended) A method comprising:

determining the location of a first wireless device by a second wireless device in accordance with location access information stored on a remote server for said second wireless device by said first wireless device; and

utilizing the location of said second wireless device and the location of said first wireless device to determine the distance between said first and second wireless devices, wherein said distance is displayed on said second wireless device and a directional indicia is displayed on said second wireless device to indicate the location of said first wireless device relative to the location of said second wireless device.

15. (previously presented) A method comprising:

determining the location of a first wireless device by a second wireless device in accordance with location access information stored on a remote server for said second wireless device by said first wireless device; and

utilizing the location of said second wireless device and said first wireless device to determine the shortest path between said first and second wireless devices, wherein said shortest path is displayed on said second wireless device.

16. (previously presented) A method comprising:

determining the location of a first wireless

device by a second device in accordance with location access information stored on a remote server for said second device by said first wireless device;

determining that the location of a first wireless device is on a highway;

determining a route for a destination utilizing said determination that the location of a first wireless device is on said highway; and

determining an arrival time for said destination utilizing said determined route.

17. (previously presented) The method of claim 16, wherein said determining said route further utilizes the direction of travel of said first wireless device.

18. (previously presented) A method comprising:

providing a list of users on a first wireless telephonic device;

providing a highlight window for selecting one of said list of users on said first wireless telephonic device;

selecting, using said highlight window, one of said users from said list of users; and

providing a display screen on said first wireless device for selecting location access rights for said selected user with respect to the location of said first wireless telephonic device.

19. (previously presented) A method comprising:

providing a display screen on a first device for selecting a plurality of location alerts for a second wireless device; and

alerting said device in accordance with said selected location alert.

20. (currently amended) A method comprising:

utilizing a login and a password entered on a first device to determine an identity of said first device;

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

utilizing said identity to determine whether said first device is allowed to access the location of said second wireless telephonic device, wherein said access is provided by said second device and is stored remotely; and

determining whether to provide the location of said second wireless telephonic device to said first device based on said access.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-20 are pending.

Claims 3-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (hereinafter "Barclay et al.") in view of Application No. 2001/0048364 (hereinafter "Kahlthoff")

Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of U.S. Patent Application No. 2003/0069692 (hereinafter "Krasner et al.").

Claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates U.S. Patent Application No. 20090029717 (hereinafter "Bates").

Claims 10-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube U.S. Patent Application No. 6,885,874 (hereinafter "Grube")

Claims 14-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert U.S. Patent Application No. 2002/0102989 (hereinafter "Calvert et al.").

Claims 18-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert and

further in view of U.S. Patent Application No. 2004/0054428 (hereinafter Sheha et al.).

Claim 20 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert and further in view of Sheha in view of U.S. Patent No. 7,072,956 (hereinafter "Parupudi") or in the alternative to Meadows U.S. Patent No. 6,716,101 (hereinafter "Meadows") or in the alternative Ganesh U.S. Patent No. 7,013,148 (hereinafter "Ganesh").

Summary of Applicant's Amendments

Applicant has amended claims 6, 8, 10, 11, 12, 13, 14, and 20 without prejudice and solely in order to expedite prosecution.

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

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

General Argument

The Examiner has made rejections in light of a superfluous number of references. In some cases as many as eight references are used to reject a single independent claim.

When a large number of references are needed to show each and every element of a claim, the claim

is bone fide patentable for not being shown or suggested by a reasonable number of references. Any rejection utilizing at least half a dozen references, or a material less number of references, is clearly patentable in light of those references. Additionally, the Examiner's references are precision systems and cannot be combined with each other without rendering an inoperable device neither shown nor suggested by the individual devices.

Applicant respectfully requests that the Examiner allow those independent claims that cannot support a rejection with a reasonable number of references.

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

Claim 3

Claims 3-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kahlthoff.

The Examiner stated:

> "Barclay et al. do not disclose is the, 'creating on a first wireless telephonic device a list including a plurality of users, wherein each one of said plurality of users is associated with a different one of a plurality of telephonic device." (Office Action, page 3).

Kahlthoff, however, merely describes a family account with parents monitoring children. *See* Kahltoff, paragraph 47. People not associated with the account cannot get information. *See* Kahltoff, paragraph 49. People associated with the account can get information

without any additional security. *See* Kahltoff, paragraph 48.

The account is allegedly "pre-programmed." *See* Kahltoff, paragraph 13. The account is established at the "data processing system." *See* Kahltoff, paragraph 47.

Accordingly, Kahltoff does not show or suggest creating on the wireless telephonic device a list. A pre-programmed family account does not show or suggest applicant's claim 3 of creating a list on a wireless telephonic device – let alone the inclusion of the other claimed features.

Furthermore, Barclay is silent on the configurations structure for processing and storing information. Kahltoff is configured on particular structural decisions. Accordingly, Barclay and Kahltoff directly teach away from one another and the combination of the two systems would merely result in an inoperable system neither shown nor suggested by the individual systems.

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

Claims 4 and 5

Claims 3-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kahlthoff.

The Examiner stated:

> "note FIG. 16B and paragraph 0050 of Kalthoff." (Office Action, page 4)

Neither Barclay nor Kahltoff, however, used either alone or in combination show or suggest claim 4 that includes requesting to be alerted on a first wireless device when a second wireless device enters a first area.

Kahlthoff alleges having parents set up for children speed. *See* Kalthoff, paragraph 80. Kalthoff discusses setting up accounts at a data processing system. This is not claim 4 of requesting to be alerted on a first wireless device – let alone the other features included in claim 4.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 4 and 5, and any claims dependent therefrom, be withdrawn.

Claim 6

Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kahlthoff.

Applicant has amended claim 6 without prejudice and solely in order to expedite prosecution. Applicant's amended claim 6, however, includes a first level of location access from several levels of location access provided on a first graphical interface on said first wireless telephone after selecting said second wireless telephone on a second graphical interface on said first wireless telephone. Neither Barclay nor Kahlthoff show or suggest such a feature.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 6, and any claims dependent therefrom, be withdrawn.

Claim 7

Claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kahlthoff.

The Examiner stated:

> "note the use of profiles in Barclay in at least paragraph 0016 of Barclay … note the multiple records kept at data processing system on paragraph 0045." (Office Action, page 3)

Applicant's invention of claim 7, however, includes a stationary computer that receives manual input to identify a user profile and a server that sends location information to a stationary computer after verifying a first permission and identifying said user profile associated with the stationary computer. Neither Barclay nor Kahlthoff, used either alone or in combination, show or suggest such a feature. Claim 7 permits a user profile to be identified by manual input on a stationary computer. In Kahlthoff and Barclay, alleged portable devices are fixed to a person (e.g., a child). A fixed device is not a stationary device for receiving manual input to identify a user profile – let alone a server that sends location information to the stationary computer associated with the identified user profile after a first permission is verified.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 7, and any claims dependent therefrom, be withdrawn.

Claim 8

Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner.

Applicant has amended claim 8 without prejudice and solely in order to expedite prosecution. Accordingly, none of the references, used either alone or in combination, show or suggest applicant's invention of claim 8 that includes providing a first level of access for information associated with a location of a first wireless device to a second wireless device by said first wireless

device on a first graphical interface on said first wireless device after selecting said second wireless device on a second graphical interface on said first wireless device.

Furthermore, the references are precision devices that rely on their precise configuration to operate. As such, the references directly teach away from one another. The location architectures of the references could not merely be connected to one another without eviscerating the spirit of the individual references and would merely provide an inoperable device neither shown nor suggested by the individual references.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 8, and any claims dependent therefrom, be withdrawn.

Claim 9

Claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates Bates.

The Examiner's four references are precision devices that rely on their precise configuration to operate. As such, the four references directly teach away from one another. The location architectures of the four references could not merely be connected to one another without eviscerating the spirit of the individual references and would merely provide an inoperable device neither shown nor suggested by the individual four references.

Furthermore, the Examiner stated:

> "Barlay et al./Kalthoff et al./Krasner et al. do not explicitly disclose speed and the direction of travel, hwoever, note that Bates et al. teach such at paragraph 0045" (Office Action, page 4)

Bates merely alleges determining a rate and direction of travel (*See* Bates, paragraph 45). A rate and direction of travel is not an arrival time to a destination. None of the references correct for this deficiency. Accordingly, none of the references, used either alone or in combination, show or suggest applicant's invention of claim 9 includes determining a travel speed and utilizing the travel speed to determine an arrival time to a destination.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 9, and any claims dependent therefrom, be withdrawn.

Claim 10

Claims 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube.

As shown above, the requirement for a large number of references is a bone fide showing of patentability. Five references is a large number of references. The Examiner's five references are precision devices that rely on their precise configuration to operate. As such, the five references directly teach away from one another. The location architectures of the five references could not merely be connected to one another without eviscerating the spirit of the individual references and would merely provide an inoperable device

neither shown nor suggested by the individual five references.

The Examiner stated:

> "Grube … teach the claimed limitations at Col. 5 … - Col. 7…." (Office Action, page 5)

Grube, however, alleges a group service for groups such as emergency groups for responding to the event through a dispatch call. Solely in order to expedite prosecution, applicant has amended claim 10. None of the references, used either alone or in combination, shows or suggests claim 10 that includes allowing a device to locate a plurality of wireless devices based on access information provided by the plurality of wireless devices for the device and displaying on the device and determining a travel speed. Grube's group service does not show or suggest such a feature.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 10, and any claims dependent therefrom, be withdrawn.

Claim 11

Claims 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube.

As shown above, the requirement for a large number of references is a bone fide showing of patentability. Five references is a large number of references. The Examiner's five references are precision devices that rely on their precise configuration to operate. As such, the five references directly teach away from one another. The location architectures of the five

references could not merely be connected to one another without eviscerating the spirit of the individual references and would merely provide an inoperable device neither shown nor suggested by the individual five references.

Furthermore, the Examiner stated:

> "such a limitation would have been obvious in light of the maps disclosed in the reference above. One would only need to see the device on the map to know which device was the closest" (Office Action, page 5)

The user, however, finding the closest device is not applicant's claim of providing an option of finding the closest one of said plurality of wireless devices to said device. Just because a television set may display a picture of a bird that is blue does not mean the television set knows it is showing a bird that is blue.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 11, and any claims dependent therefrom, be withdrawn.

Claim 12

Claims 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube.

The Examiner's five references are precision devices that rely on their precise configuration to operate. As such, the five references directly teach away from one another. The location architectures of the five references could not merely be connected to one another without eviscerating the spirit of the individual references and would merely provide an inoperable device

neither shown nor suggested by the individual five references.

Furthermore, the Examiner stated:

> "such a limitation would have been obvious in light of the references cited above" (Office Action, page 5)

Applicant respectfully submits that the Examiner's requirement of five references actually only serves to show the patentability of applicant's claim 12.

However, none of the prior art, used either alone or in combination, shows or suggests claim 12 that includes providing a display screen on a first wireless telephonic device for said first wireless telephonic device to request the location of a different wireless device and entering said telephone number on said display screen. let alone requesting on the different wireless device that said different wireless device provides access information for said first wireless telephonic device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 12, and any claims dependent therefrom, be withdrawn.

Claim 13

Claims 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube.

Furthermore, the Examiner stated:

> "a dating profile would have been obvious" (Office Action, page 5)

Applicant has amended claim 13 without prejudice and solely in order to expedite prosecution. Applicant has

amended claim 13 to correct a typographical error. Applicant's claim 13 does not just include a dating feature, which is not even obvious and applicant invokes his right to require Examiner to provide documentary proof that is combinable with any references needed to show applicant's claim 13.

Applicant's claim 13 includes a profile of a first dating service user matches a profile of a second dating service user, alerting said first dating service user of said second dating service user, and requesting access to a form of communication between said first and second dating service users.

None of the references, used either alone or in combination, include any dating features – let alone the numerous dating features provided in claim 13.

Furthermore, the Examiner's five references are precision devices that rely on their precise configuration to operate. As such, the five references directly teach away from one another. The location architectures of the five references could not merely be connected to one another without eviscerating the spirit of the individual references and would merely provide an inoperable device neither shown nor suggested by the individual five references.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 11, and any claims dependent therefrom, be withdrawn.

Claim 14

Claims 14-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and

further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert.

As shown above, the requirement for a large number of references is a bone fide showing of patentability. Six references is a large number of references. The Examiner's six references are precision devices that rely on their precise configuration to operate. As such, the six references directly teach away from one another. The location architectures of the six references could not merely be connected to one another without eviscerating the spirit of the individual references and would merely provide an inoperable device neither shown nor suggested by the individual six references.

Nonetheless, applicant has amended claim 14 without prejudice and solely in order to expedite prosecution.

None of the references, used either alone or in combination, show or suggest claim 14 that includes a distance that is displayed on said second wireless device and a directional indicia is displayed on said second wireless device to indicate the location of said first wireless device relative to the location of said second wireless device.

In accordance with the foregoing, applicant respectfully requests that the rejections of claim 14 be withdrawn.

Claim 15

Claims 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and

further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert.

As shown above, the requirement for a large number of references is a bone fide showing of patentability. Six references is a large number of references. The Examiner's six references are precision devices that rely on their precise configuration to operate. As such, the six references directly teach away from one another. The location architectures of the six references could not merely be connected to one another without eviscerating the spirit of the individual references and would merely provide an inoperable device neither shown nor suggested by the individual six references.

Accordingly, none of the references, used either alone or in combination, show or suggest applicant's invention of claim 15 that location access information stored on a remote server for said second wireless device by said first wireless device and utilizing the location of said second wireless device and said first wireless device to determine the shortest path between said first and second wireless devices, wherein said shortest path is displayed on said second wireless device.

In accordance with the foregoing, applicant respectfully requests that the rejections of claim 15 be withdrawn.

Claims 16 and 17

Claims 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert.

As shown above, the requirement for a large number of references is a bone fide showing of patentability. Six references is a large number of references. The Examiner's six references are precision devices that rely on their precise configuration to operate. As such, the six references directly teach away from one another. The location architectures of the six references could not merely be connected to one another without eviscerating the spirit of the individual references and would merely provide an inoperable device neither shown nor suggested by the individual six references.

Accordingly, none of the references, used either alone or in combination, show or suggest applicant's invention of claim 16 that includes determining that the location of a first wireless device is on a highway;, determining a route for a destination utilizing said determination that the location of a first wireless device is on said highway, and determining an arrival time for said destination utilizing said determined route. In accordance with the foregoing, applicant respectfully requests that the rejections of claims 16, and any claims dependent therefrom, be withdrawn.

Claim 18

Claims 18-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert and further in view of Sheha.

The Examiner stated:

"Sheha … teach that such is old in the art (see paragraph 106…" (Office Action, page 7)

As shown above, the requirement for a large number of references is a bone fide showing of patentability. Seven references is a large number of references. Furthermore, the Examiner's seven references are precision devices that rely on their precise configuration to operate. As such, the seven references directly teach away from one another. The location architectures of the seven references could not merely be connected to one another without eviscerating the spirit of the individual references and would merely provide an inoperable device neither shown nor suggested by the individual seven references.

None of the references, including Sheha, however, shows or suggests applicant's invention of claim 18 of providing a highlight window for selecting one of the list of users on the first wireless telephonic device. Similarly, none of the references, including Sheha shows or suggests applicant's invention of claim 18 of selecting, using the highlight window, one of the users from the list of users. Sheha merely includes dragging and dropping – and doing so in an unrelated system.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 18, and any claims dependent therefrom, be withdrawn.

Claim 19

Claims 18-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and

further in view of Grube and further in view of Calvert and further in view of Sheha.

Furthermore, the Examiner stated:

> "such a limitation would have been obvious in light of the references cited above" (Office Action, page 7)

Applicant respectfully submits that the Examiner's requirement of seven references actually only serves to show the patentability of applicant's claim 19. Furthermore, the Examiner's combination of seven references does not even show or suggest the features of claim 19.

None of the references, used either alone or in combination, shows or suggests claim 19 of providing a display screen on a first device for selecting a plurality of location alerts for a second wireless device and alerting said device in accordance with said selected location alert.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 19, and any claims dependent therefrom, be withdrawn.

Claim 20

Claim 20 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert and further in view of Sheha in view of Parupudi or in the alternative to Meadows or in the alternative Ganesh.

Applicant respectfully submits that the Examiner's requirement of eight references actually only serves to show the patentability of applicant's claim 20. As shown above, the requirement for a large number of

references is a bone fide showing of patentability. Eight references is a large number of references.

Furthermore, none of the references, used either alone or in combination, shows or suggests claim 20 of utilizing a login and a password entered on a first device to determine an identity of said first device, requesting the location of a second wireless telephonic device by said first device, and utilizing said identity to determine whether said first device is allowed to access the location of said second wireless telephonic device, wherein said access is provided by said second device and is stored remotely and with said selected location alert.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 20, and any claims dependent therefrom, be withdrawn.

Rejections in view of Official Notice

Many of the rejections made by the Examiner appear to have been rejected in view of Official Notice. Any rejection that does not show each and every element of a claim in one or more references is an inadequate rejection.

For rejections under 35 U.S.C. § 103(a), the Examiner has the burden of showing each and every element of applicant's invention in the prior art combination. If the Examiner is taking Official Notice, MPEP § 2144.03 requires that the facts of which notice are being taken be capable of instant and unquestionable demonstration as being well known in the art. *See In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). Applicant believes that the "facts" of which the Examiner may have taken Official Notice do not meet that standard, and invoke

his right under MPEP § 2144.03 to have the Examiner provide documentary proof that those facts are actually well known.

The Examiner "cannot simply reach conclusions based on its own understanding or experience – or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affadavit or declaration setting forth factual statements and explanation to such a finding. *See* MPEP 2144.03(c).

The Examiner cannot make rejections using a reference or combination of references where the references do not show each and every element of a particular claim. Applicant respectfully requests that the Examiner withdraw any rejections that do not show the inclusion of each and every element of a particular claim in a reference or a combination of references.

Conclusion

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

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

Respectfully Submitted,

/Jeffrey D. Mullen/

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Electronic Patent Application Fee Transmittal

Application Number:	11834674
Filing Date:	06-Aug-2007
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Filer:	Jeffrey David Mullen
Attorney Docket Number:	JDM/002 CON4

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with $0 paid	2253	1	700	700

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
			Total in USD ($)	**700**

Electronic Acknowledgement Receipt	
EFS ID:	18424797
Application Number:	11834674
International Application Number:	
Confirmation Number:	1117
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON4
Receipt Date:	10-MAR-2014
Filing Date:	06-AUG-2007
Time Stamp:	18:32:08
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$700
RAM confirmation Number	6379
Deposit Account	503855
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

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

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

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

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		JDM-002CON4--Reply.pdf	210892 e1e7c69a7a2df8e80c0bbc77bff9bc64c272d1ae	yes	29

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Amendment/Req. Reconsideration-After Non-Final Reject	1	1
Claims	2	9
Applicant Arguments/Remarks Made in an Amendment	10	29

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	30447 cace6536b8da18206094d99412e7ca4ec734d2a7	no	2

Warnings:

Information:

Total Files Size (in bytes):	241339

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

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

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

PTO/SB/06 (09-11)
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/834,674	Filing Date 08/06/2007	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT	03/10/2014	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 18	Minus	** 20	= 0	X $40 =	0
	Independent (37 CFR 1.16(h))	* 16	Minus	***16	= 0	X $210 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	0

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

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

LIE
/TRACIE ROBERTSON/

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.
11/834,674	08/06/2007	Jeffrey D. Mullen	JDM/002 CON4	1117

32733 7590 06/27/2014

JEFFREY D. MULLEN
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EXAMINER	
DEANE JR, WILLIAM J	
ART UNIT	**PAPER NUMBER**
2652	
MAIL DATE	**DELIVERY MODE**
06/27/2014	PAPER

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

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

Office Action Summary	Application No. 11/834,674	Applicant(s) MULLEN, JEFFREY D.	
	Examiner WILLIAM DEANE JR	Art Unit 2652	AIA (First Inventor to File) Status No

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☒ Responsive to communication(s) filed on *03/10/2014*.

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

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

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

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

Disposition of Claims*

5)☒ Claim(s) *3-20* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *3-20* is/are rejected.

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

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

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

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

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

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

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

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____.

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

4) ☐ Other: _____.

The present application is being examined under the pre-AIA first to invent provisions.

DETAILED ACTION

Claim Rejections - 35 USC § 103

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

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

Claims 3 - 7, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.).

With respect to claim 3, note that Barclay et al. teach determining a location of a first wireless device (FIG. 4, step 407 and paragraph 0012);

providing said location to a facility (the service provider in paragraphs 0016 and 0017);

requesting said location of said first wireless device by a second wireless device (paragraph 0020 and step 413). In addition, note Fig.5;

providing a permission by said first wireless device for said second wireless device to access location information about said location storing said permission in said facility, wherein said facility is located remotely from said first and second wireless devices (paragraph 0018 and service provider) ;

providing said location information about said location from said facility to said second wireless device in accordance with said permission (paragraph 0018).

What Barclay et al. do not disclose is the, "creating on a first wireless telephonic device a list including a plurality of users, wherein each one of said plurality of users is associated to a different one of a plurality of wireless telephonic devices." However, such is believed to be inherent in Barclay et al. If this is argued, note Fig. 16A of Kalthoff et al. It would have been obvious to one of ordinary skill in the art to have created such a list as taught by Kalthoff et al. into the Barclay et al. in order to have a more efficient system.

With respect to claim 4, note Fig. 16B and paragraph 0050 of Kalthoff et al.

With respect to claim 5, note GPS system 109 in Fig. 1 of Barclay et al. and at least paragraph 0012 of Kalthoff.

With respect to claim 6 and 7, note the rejections above. In addition, note use of profiles in at least paragraph 0016 of Barclay et al. Additionally, note the multiple records kept at data processing system 28 on paragraph 0045 of Kalthoff et al. The new limitations to claim 6 reads on paragraph 0016 of Barclay et al. The only thing that is not explicitly taught by Barclay et al is the use of a graphical user interface. However, a fair reading of paragraph 0016 shows that such is inherent in Barclay et al. If that is argued, then it would have been obvious to one of ordinary skill in the art to have incorporated such a graphical interface whenever and wherever it was deemed necessary. Displaying information inputted or stored on a device is well-known in the art. Using one interface or two would be considered an obvious design choice.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.).

With respect to claim 8, note the rejections above and paragraph 0014 -0016 of Barclay et al. with regard to access levels. If this is not agreed, note Fig. 5, elements 505, 506 and 507 of Krasner et al. It would have been obvious to one of ordinary skill in the art to have incorporated the access levels as disclosed by Krasner et al. into Barclay et al./Kalthoff et al. system, as such would only entail the substitution of one known set of access levels for another. One graphical interface or multiple graphical interfaces would have been obvious to one of ordinary skill in the art as an obvious design choice.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.) and U.S. Patent Application No. 2009/0029717 (Bates).

With respect to claims 9, Barclay et al./Kalthoff et al./Krasner et al. do not explicitly disclose speed and direction of travel, however, note that Bates et al. teach such at paragraph 0045. It would have been obvious to have incorporated such speed

and directions as taught by Bates et al. into the Barclay et al./Kalthoff et al./Krasner et al. system in order to have a more efficient map for a user.

Claims 10 -13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.) and U.S. Patent Application No. 2009/0029717 (Bates) and U.S Patent No. 6,885,874 (Grube et al.).

Note that Barclay discloses maps (see paragraphs 0017 and 0022). In addition, note Fig. 12 of Kalthoff et al. and paragraph 0044 of Krasner et al. However, Grube et al. explicitly teach the claimed limitations. Grube et al. teach the claimed limitations at Col. 5, lines 2 - 4, Col. 6, lines 14 - 26 and Col. 6, line 59 - Col. 7, line 6 and Col. 16, lines 11 - 26. It would have been obvious to one of ordinary skill in the art to have incorporated such limitations as disclosed by Grube et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al. system in order to have a more efficient map system.

With respect to claim 11, such a limitation would have been obvious in light of the maps disclosed in the references above. One would only need see the device on the map to know which device was the closest.

With respect to claim 12, such a limitation would be obvious in light of the references cited above.

With respect to claim 13, note that Bates et al. discloses the use of profiles at paragraph 0022 and note use of profiles in at least paragraph 0016 of Barclay et al. Additionally, note the multiple records kept at data processing system 28 in paragraph 0045 of Kalthoff et al.

A dating profile would have been obvious to one of ordinary skill in the art as such would only entail the substitution or addition of one known profile or group for another.

Claims 14 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.) and U.S. Patent Application No. 2009/0029717 (Bates) and U.S Patent No. 6,885,874 (Grube et al.) and U.S. Patent Application No. 2002/0102989 (Calvert et al.).

With respect to claim 14, the limitations are taught by the references noted above. With respect to the distance between devices, note the Abstract of Kalthoff et al. and see Figs. 3 – 3F. If this is argued, note paragraphs 0052 and 0060 of Calvert et al. It would have been obvious to one of ordinary skill in the art to have incorporated the ability to determine the distance between devices as taught by Calvert et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al. system as such would only involve manipulating data that already known by the system.

With respect to claim 15, note Col. 22, line 7 – 11 of Grube et al.

With respect to claim 16, note paragraph 0014 of Barclay et al. and paragraph 0014 of Kalthoff et al. and Col. 6, lines 33 – 58 of Grube et al.

With respect to claim 17, note the rejections above.

Claims 18 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.) and U.S. Patent Application No. 2009/0029717 (Bates) and U.S Patent No. 6,885,874 (Grube et al.) and U.S. Patent Application No. 2002/0102989 (Calvert et al.) and U.S. Patent Application No. 2004/0054428 (Sheha et al.).

Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al. teach the claimed limitations as shown above except for the use of highlights; however, Sheha et al. teach that such is old in the art (see paragraph 0106 of Sheha et al.). It would have been obvious to one of ordinary skill in the art to have incorporated such selection means as highlighting as taught by Sheha et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al. device in order to make it easier in selecting from the list.

With respect to claim 19, such limitations would have been obvious to one of ordinary skill in the art in light of the references and rejections above.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.) and U.S. Patent Application No. 2009/0029717 (Bates) and U.S Patent No. 6,885,874 (Grube et al.) and U.S. Patent Application No. 2002/0102989 (Calvert et al.) and U.S. Patent Application No. 2004/0054428 (Sheha et al.) and further in view of U.S. Patent No. 7,072,956 (Parupudi et al.) or in the alternative U.S. Patent No. 6,716,101 (Meadows et al.) or alternatively U.S. Patent No. 7,013,148 (Ganesh et al.)

Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al./Sheha et al. teach the claimed limitations except for the login aspects. However, note that Parupudi et al. teach such login aspects (see example 10). It would have been obvious to one of ordinary skill in the art to have incorporated such login aspects as taught by Parupudi et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al./Sheha et al. system in order to provide better security.

In the alternative, note Fig. 4A of Meadows et al. It would have been obvious to one of ordinary skill in the art to have incorporated such login aspects as taught by Meadows et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al./Sheha et al. system in order to provide better security.

Alternatively, note Fig 3 of Ganesh et al. It would have been obvious to one of ordinary skill in the art to have incorporated such login aspects as taught by Ganesh et

al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al./Sheha et al. system in order to provide better security.

Response to Arguments

The examiner has made some minor changes and explanations to the rejections above with respect to the new limitations, which the examiner believes still reads on the references cited.

In the future, Applicant needs to point with specificity to where new claimed limitations can be found in the specification.

Applicant mainly argues, at the bottom of page 11, General Arguments and throughout the Remarks section that the examiner is using too many references to reject the claims and therefore, the claimed limitations are not obvious and should be allowed.

In response to applicant's argument that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).

Applicant also many times argues that the examiner “appears" or “may”, have relied on Official Notice. However, Applicant does not point with specificity to such a step or element that Applicant refers.

Again, the examiner would be happy to talk with Applicant about this case and Applicant’s other cases in one long phone interview to try and resolve any issues and come to a conclusion with respect to some or all of Applicant’s cases. Applicant

proposed such an interview back in September or October of 2013. The examiner agreed at that time and would still be open to such an interview.

Conclusion

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

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

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Deane whose telephone number is 571-272-7484. The examiner can normally be reached on Monday - FRIDAY from 9:00 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The official fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. However, unofficial faxes can be direct to the examiners computer at 571 273 - 7484.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

25Jun2014

/William J Deane/

Primary Examiner, Art Unit 2652

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11834674	MULLEN, JEFFREY D.
	Examiner	**Art Unit**
	William J Deane	2614

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

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	06/06/2009	03/25/2010	12/06/2010	09/12/2011	09/06/2013	06/25/2014			
	1	✓	✓	✓	-	-	-			
	2	✓	✓	✓	-	-	-			
	3	✓	✓	✓	✓	✓	✓			
	4	✓	✓	✓	✓	✓	✓			
	5	✓	✓	✓	✓	✓	✓			
	6	✓	✓	✓	✓	✓	✓			
	7	✓	✓	✓	✓	✓	✓			
	8	✓	✓	✓	✓	✓	✓			
	9	✓	✓	✓	✓	✓	✓			
	10	✓	✓	✓	✓	✓	✓			
	11	✓	✓	✓	✓	✓	✓			
	12	✓	✓	✓	✓	✓	✓			
	13	✓	✓	✓	✓	✓	✓			
	14	✓	✓	✓	✓	✓	✓			
	15	✓	✓	✓	✓	✓	✓			
	16	✓	✓	✓	✓	✓	✓			
	17	✓	✓	✓	✓	✓	✓			
	18	✓	✓	✓	✓	✓	✓			
	19	✓	✓	✓	✓	✓	✓			
	20	✓	✓	✓	✓	✓	✓			

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11834674	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	2614

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
455	456.1	06May2009	WJD
	415		
	457		
	435		
	404.1		
	Updated the prior search	25Mar2010	WJD
	Updated the prior search	06Dec2010	WJD
	Updated the search above	12Sep2011	WJD
	Updated the search above	06Sep2013	WJD
	Updated the search above	25Jun2014	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

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

PTO/SB/30EFS (10-08)
Approved for use through 11/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

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

Application Number	11834674	Filing Date	2007-08-06	Docket Number (if applicable)	JDM/002 CON4	Art Unit	2652
First Named Inventor	Jeffrey D. Mullen			Examiner Name	William J Deane Jr		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ☐ Other _____

☒ Enclosed

- ☒ Amendment/Reply
- ☐ Information Disclosure Statement (IDS)
- ☐ Affidavit(s)/ Declaration(s)
- ☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

☒ **The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**
The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 503855

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☐ Patent Practitioner Signature

☒ Applicant Signature

PTO/SB/30EFS (10-08)
Approved for use through 11/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Applicant Signature			
Applicant 1		Remove	
Signature	/Jeffrey D. Mullen/	Date (YYYY-MM-DD)	2014-12-29
Name	Jeffrey D. Mullen		
Click ADD for additional Applicant Signature		Add	

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

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

Privacy Act Statement

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

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

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

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

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

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

SMALL ENTITY
JDM/002 CON4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Jeffrey D. Mullen
Application No.	:	11/834,674
Confirmation No.	:	1117
Filed	:	August 6, 2007
For	:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
Group Art Unit	:	2614
Examiner	:	William Deane Jr.

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

Pittsburgh, PA 15238
December 29, 2014

REPLY TO OFFICE ACTION

Sir:

This is in Reply to the Office Action dated June 27, 2014. A three-month extension of time and a Request for Continued Examination is applicable hereto and submitted herewith. In Reply to the Office Action, applicant amends the application as follows:

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

Remarks begin on page 10 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled)

3. (previously presented) A method comprising:

creating on a first wireless telephonic device a list including a plurality of users, wherein each one of said plurality of users is associated to a different one of a plurality of wireless telephonic devices;

allowing transmission of location information associated to said first wireless telephonic device to said list, wherein said allowance is provided to, and stored on, a remote server;

receiving at said remote server said location information and storing said location information; and

providing said location information to at least one of said plurality of users on said list by providing said location information to said different wireless telephonic device associated to the provided at least one users.

4. (currently amended) A method comprising:

selecting a first area from a plurality of areas on a first wireless device;

requesting to be alerted on said ~~a~~ first wireless device when a second wireless device enters said ~~a~~ first area;

obtaining a location of said second wireless device;

determining whether said location is in said first area;

determining whether said second wireless device has provided said first wireless device with permission to obtain information associated with said location of said second wireless device; and

providing an alert to said first wireless device if said location is in said first area and if said second wireless device has provided said first wireless device with permission to obtain information associated with said location of said second wireless device.

5. (previously presented) The method of claim 4, wherein a positioning system is utilized to provide said location.

6. (previously presented) A system comprising:

a first wireless telephone;

a second wireless telephone; and

a server located remotely from said first and second wireless telephones, wherein said server receives and stores a first location representative of the location of said first wireless telephone, said server receives and stores a second location representative of the location of said second wireless telephone, said server receives and stores a first permission from said first wireless telephone for said second wireless telephone to receive location information associated with said first location according to a first level of location access from several levels of location access provided on a first graphical

interface on said first wireless telephone after selecting said second wireless telephone on a second graphical interface on said first wireless telephone, and said server sends said location information to said second wireless telephone after verifying said first permission.

7. (previously presented) A system comprising:

a first wireless telephone;

a stationary computer, wherein said stationary computer receives manual input to identify a user profile; and

a server located remotely from said first and second wireless telephones, wherein said server receives and stores a first location representative of the location of said first wireless telephone, said server receives and stores a first permission from said first wireless telephone for said user profile to receive location information associated with said first location, and said server sends said location information to said stationary computer after verifying said first permission and identifying said user profile associated with said stationary computer.

8. (previously presented) A method comprising:

providing a first level of access for information associated with a location of a first wireless device to a second wireless device by said first wireless device on a first graphical interface on said first wireless device after selecting said second wireless device on a second graphical interface on said first wireless device;

providing a second level of access for information associated with said location to a third wireless device by said first wireless device;

storing said first level of access and said second level of access on a remote server, wherein said first and second level of access are different; and

providing said information to said second wireless device in accordance with said first level of access; and

providing said information to said third wireless device in accordance with said second level of access.

9. (previously presented) A method comprising:

allowing a device to locate a first wireless device in accordance with access information stored on a remote server by said first wireless device;

locating said first wireless device a plurality of times and determining a travel speed based on said locating;

utilizing said travel speed to determine an arrival time to a destination; and

providing said arrival time to said device.

10. (currently amended) A method comprising:

allowing a device to locate a plurality of wireless devices based on access information for said device provided by said plurality of wireless devices, wherein said access information is stored on a remote server;

determining a travel speed for at least one of said plurality of wireless devices;

utilizing said travel speed to determine an arrival time to a destination; and

displaying on said device the location of said plurality of wireless devices on a map on said device.

11. (previously presented) A method comprising:

allowing a device to locate a plurality of wireless devices based on access information provided by said plurality of wireless devices, wherein said access information is stored on a remote server; and

providing an option of finding the closest one of said plurality of wireless devices to said device.

12. (previously presented) A method comprising:

providing a display screen on a first wireless telephonic device for said first wireless telephonic device to request the location of a different wireless device, wherein a telephone number is operable to be entered on said display screen;

entering said telephone number on said display screen, wherein said telephone number is associated with said different wireless device;

requesting on said different wireless device that said different wireless device provides access information for said first wireless telephonic device; and

storing said access information on a remote server.

13. (previously presented) A method comprising:

determining whether a looking for profile of a first dating service user matches a profile of a second dating service user;

alerting said first dating service user of said second dating service user, wherein a first location of a first wireless telephonic device of said first dating service user and a second location of said second wireless telephonic device of said second service user are utilized in determining to provide said alert and said first and second locations are stored on a remote server; and

requesting access to a form of communication between said first and second dating service users.

14. (previously presented) A method comprising:

determining the location of a first wireless device by a second wireless device in accordance with location access information stored on a remote server for said second wireless device by said first wireless device; and

utilizing the location of said second wireless device and the location of said first wireless device to determine the distance between said first and second wireless devices, wherein said distance is displayed on said second wireless device and a directional indicia is displayed on said second wireless device to indicate the location of said first wireless device relative to the location of said second wireless device.

15. (previously presented) A method comprising:

determining the location of a first wireless device by a second wireless device in accordance with location access information stored on a remote server for said second wireless device by said first wireless device; and

utilizing the location of said second wireless device and said first wireless device to determine the shortest path between said first and second wireless devices, wherein said shortest path is displayed on said second wireless device.

16. (currently amended) A method comprising:

determining the location of a first wireless device by a second device in accordance with location access information stored on a remote server for said second device by said first wireless device;

determining that the location of a first wireless device is on a type of road;

determining a route for a destination utilizing said determination that the location of a first wireless device is on said type of road; and

determining an arrival time for said destination utilizing said determined route.

17. (previously presented) The method of claim 16, wherein said determining said route further utilizes the direction of travel of said first wireless device.

18. (previously presented) A method comprising:

providing a list of users on a first wireless telephonic device;

providing a highlight window for selecting one of said list of users on said first wireless telephonic device;

selecting, using said highlight window, one of said users from said list of users; and

providing a display screen on said first wireless device for selecting location access rights for said selected user with respect to the location of said first wireless telephonic device.

19. (previously presented) A method comprising:

providing a display screen on a first device for selecting a plurality of location alerts for a second wireless device; and

alerting said device in accordance with said selected location alert.

20. (currently amended) A method comprising:

utilizing a login and a password entered on a first wireless telephonic device to determine an identity of said first wireless telephonic device and the location of said identity based on the location of said first wireless telephonic device;

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

utilizing said identity to determine whether said first wireless telephonic device is allowed to access the location of said second wireless telephonic device, wherein said access is provided by said second device and is stored remotely; and

determining whether to provide the location of said second wireless telephonic device to said first wireless telephonic device based on said access.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-20 are pending.

Claims 3-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (hereinafter "Barclay et al.") in view of Application No. 2001/0048364 (hereinafter "Kahlthoff")

Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of U.S. Patent Application No. 2003/0069692 (hereinafter "Krasner et al.").

Claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates U.S. Patent Application No. 20090029717 (hereinafter "Bates").

Claims 10-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube U.S. Patent Application No. 6,885,874 (hereinafter "Grube")

Claims 14-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert U.S. Patent Application No. 2002/0102989 (hereinafter "Calvert et al.").

Claims 18-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert and

further in view of U.S. Patent Application No. 2004/0054428 (hereinafter Sheha et al.).

Claim 20 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert and further in view of Sheha in view of U.S. Patent No. 7,072,956 (hereinafter "Parupudi") or in the alternative to Meadows U.S. Patent No. 6,716,101 (hereinafter "Meadows") or in the alternative Ganesh U.S. Patent No. 7,013,148 (hereinafter "Ganesh").

Summary of Applicant's Amendments

Applicant has amended claims 4, 10, 16, and 20 without prejudice and solely in order to expedite prosecution.

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

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

Claim 3

Claims 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kahlthoff.

The Examiner stated:

> "Barclay et al. do not disclose is the, 'creating on a first wireless telephonic device a list including a plurality of users, wherein each one of said plurality of users is associated with a

different one of a plurality of telephonic device. However, such is believed to be inherent in Barclay et al. If this is argued, note FIG. 16A of Kalthoff et al." (Office Action, page 3).

Applicant's claim 3 includes creating a list and allowing transmission of location information to the list.

Kahlthoff's FIG. 16A does not show or suggest such a feature. Kahlthoff merely alleges enabling friend alerts for individual names. Kahlthoff is silent on creating a list and allowing location information to be send to the list. An individual name is not a list.

For at least this reason, applicant respectfully requests that the Examiner's rejection of claim 3 be withdrawn.

Additionally, Kahlthoff, merely describes a family account with parents monitoring children. *See* Kahltoff, paragraph 47. The account is allegedly "pre-programmed." *See* Kahltoff, paragraph 13. The account is established at the "data processing system." *See* Kahltoff, paragraph 47. Accordingly, Kahltoff does not show or suggest applicant's claim 3 that includes creating on the wireless telephonic device a list. A pre-programmed family account is not creating a list.

For at least this reason, applicant respectfully requests that the Examiner's rejection of claim 3 be withdrawn.

Furthermore, neither Barclay nor Kahlthoff, used either alone or in combination, show or suggest claim 3 that includes storing an allowance of location information to a list on a remote server.

In light of the above-identified reasons, applicant respectfully requests that the Examiner's rejection of claim 3, and any claims dependent therefrom,

be withdrawn.

Claims 4 and 5

Claim 4-5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kahlthoff.

The Examiner stated:

> "note FIG. 16B and paragraph 0050 of Kalthoff." (Office Action, page 3)

Kahlthoff describes a family account with parents monitoring children. *See* Kahltoff, paragraph 47. The account is allegedly "pre-programmed." *See* Kahltoff, paragraph 13. The account is established at the "data processing system." *See* Kahltoff, paragraph 47.

Kahlthoff also alleges a "pre-determined area." *See* Kahltoff, paragraph 50. Solely without prejudice and in order to expedite prosecution, applicant has amended claim 4 to include selecting an area from a plurality of areas on a wireless device. Neither Kahlthoff nor Barclay, used either alone or in combination, show or suggest such feature.

Applicant's specification includes numerous teachings on location alerts. As per just one example, applicant directs the Examiner's attention to FIG. 11.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 4 and 5, and any claims dependent therefrom, be withdrawn.

Claim 6

Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kahlthoff.

The Examiner stated that Barclay does not discuss:

> "the use of a graphical interface." (Office Action, page 3)

Additionally, the Examiner stated that Barclay includes the:

> "use of profiles." (Office Action, page 3)

Barclay, however, alleges granularities that on how Barclay's customer wants to receive location from service providers. Col. 3, lines 1-29. This is allegedly different from the Barclay permission options for third parties. Col. 3, lines 39-49.

Applicant previously amended claim 6 to include a first level of location access from several levels of location access provided on a first graphical interface on a first wireless telephone. Barclay does not show or suggest this feature. Barclay's permissions do not have access levels – let alone provided on a graphical interface on a wireless telephone.

Accordingly, applicant respectfully requests the Examiner's rejection of claim 6, and any claims dependent therefrom, be withdrawn.

Furthermore, applicant previously amended claim 6 to include providing a first level of access after selecting a second wireless telephone on a second graphical interface on a first wireless telephone. Neither Barclay nor Kahlthoff show or suggest such a feature.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 6, and any claims dependent therefrom, be withdrawn.

Claim 7

Claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kahlthoff.

Claim 7 provides a stationary computer that receives manual input to identify a user profile and identifying the user profile associated with this stationary computer.

In Kahlthoff and Barclay, alleged portable devices are fixed to a person (e.g., a child). Such a portable device is not a stationary computer for receiving manual input to identify a user profile – let alone claim 7 that includes a server that sends location information to the stationary computer associated with the identified user profile after a first permission is verified.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 7, and any claims dependent therefrom, be withdrawn.

Claim 8

Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner.

As suggested above, neither Barclay nor Kalthoff, used either alone or in combination, show or suggest applicant's invention of claim 8 that includes providing a first level of access for information associated with a location of a first wireless device to a second wireless device by said first wireless device on a first graphical interface on said first wireless device after selecting said second wireless device on a second graphical interface on said first wireless device.

The Examiner stated:

> "note FIG. 6, elements 505, 506, and 507 of Krasner." (Office Action, page 4)

Krasner, however, does not correct for the deficiency of Barclay and Kalthoff. None of the references show or suggest any of the features of the two graphical interfaces, the interaction of the two graphical interfaces, and the providing of a first level of access on a first interface after selecting a second wireless device on a second interface on the first wireless device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 8, and any claims dependent therefrom, be withdrawn.

Claim 9

Claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates Bates.

Furthermore, the Examiner stated:

> "Barlay et al./Kalthoff et al./Krasner et al. do not explicitly disclose speed and the direction of travel, however, note that Bates et al. teach such at paragraph 0045" (Office Action, page 4)

Bates merely alleges determining a rate and direction of travel (*See* Bates, paragraph 45).

A rate and direction of travel is not an arrival time to a destination.

None of the references, used either alone or in combination, correct for this deficiency.

Accordingly, none of the references, used either alone or in combination, show or suggest applicant's invention of claim 9 includes determining a travel speed

and utilizing the travel speed to determine an arrival time to a destination.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 9, and any claims dependent therefrom, be withdrawn.

Claim 10

Claims 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube.

The Examiner stated:

> "Grube … teach the claimed limitations at Col. 5 … - Col. 7…." (Office Action, page 5)

Grube, however, alleges a group service for groups such as emergency groups for responding to the event through a dispatch call.

Applicant has amended claim 10 without prejudice and solely in order to expedite prosecution to include utilizing a travel speed to determine an arrival time to a destination.

None of the references, used either alone or in combination, show or suggest such a feature. Applicant turns the Examiner's attention to applicant's arguments for the patentability of claim 9.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 10, and any claims dependent therefrom, be withdrawn.

Claim 11

Claims 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and

further in view of Krasner and further in view of Bates and further in view of Grube.

Furthermore, the Examiner stated:

> "such a limitation would have been obvious in light of the maps disclosed in the reference above. One would only need to see the device on the map to know which device was the closest" (Office Action, page 5)

Applicant had previously amended the claim to include providing an option of finding the closest one.

The user, however, finding the closest device by seeing the map is not applicant's claim of providing an option of finding the closest one of said plurality of wireless devices to said device.

Just because a television set may display a picture of a bird that is blue does not mean the television set knows it is showing a bird that is blue.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 11, and any claims dependent therefrom, be withdrawn.

Claim 12

Claims 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube.

The Examiner stated:

> "such a limitation would have been obvious in light of the references cited above" (Office Action, page 5)

None of the prior art, used either alone or in combination, shows or suggests claim 12 that includes providing a display screen on a first wireless telephonic

device for said first wireless telephonic device to request the location of a different wireless device and entering said telephone number on said display screen – let alone requesting on the different wireless device that said different wireless device provides access information for said first wireless telephonic device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 12, and any claims dependent therefrom, be withdrawn.

Claim 13

Claims 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube.

Furthermore, the Examiner stated:

> "a dating profile would have been obvious"
> (Office Action, page 5)

Applicant's claim 13 does not just include a dating feature, which is not even obvious and applicant invokes his right to require Examiner to provide documentary proof that is combinable with any references needed to show applicant's claim 13.

Applicant's claim 13 includes a profile of a first dating service user matches a profile of a second dating service user, alerting said first dating service user of said second dating service user, and requesting access to a form of communication between said first and second dating service users.

None of the references, used either alone or in combination, include any dating features – let alone the numerous dating features provided in claim 13.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 11, and any claims dependent therefrom, be withdrawn.

Claim 14

Claims 14-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert.

Furthermore, the Examiner stated:

> "note paragraphs 0052 and 0060 of Calvert"
> (Office Action, page 5)

Calvert is irrelevant. Calvert does not provide a system based on location access information. Accordingly, Calvert is inoperable to be combined. However, without prejudice and solely in order to expedite prosecution, applicant previously amended claim 14 to include a distance and directional indicia.

None of the references, used either alone or in combination, show or suggest claim 14 that includes a distance and a directional indicia that is displayed on said second wireless device to indicate the location of said first wireless device relative to the location of said second wireless device.

In accordance with the foregoing, applicant respectfully requests that the rejections of claim 14 be withdrawn.

Claim 15

Claims 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and

further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert.

The Examiner stated:

> "With respect to claim 15, note Col. 22, line 7-11 of Grube et al." (Office Action, page 6.

Grube merely discusses, however, a user "snapping" the user's route to a closest route of another user. A user "snapping" the user's route to a closest route of another user is not the shortest path or displaying the shortest path. For example, the hypotenuse of a triangle defined by two routes may be the shortest path – not snapping a route to the closest route. Furthermore, a user "snapping" is not displaying.

Accordingly, none of the references, used either alone or in combination, show or suggest applicant's invention of claim 15 that location access information stored on a remote server for said second wireless device by said first wireless device and utilizing the location of said second wireless device and said first wireless device to determine the shortest path between said first and second wireless devices, wherein said shortest path is displayed on said second wireless device.

In accordance with the foregoing, applicant respectfully requests that the rejections of claim 15 be withdrawn.

Claims 16 and 17

Claims 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert.

The Examiner stated:

> "note paragraph 14 of Barclay … and paragraph 14 of Kalthoff … and col 6 of Grube." (Office Action, page 7)

Barclay does not have paragraph numbers and is silent on claim 16. Kalthoff merely mentions the word arrival. Grube merely alleges a map and an ETA.

Without prejudice and solely in order to expedite prosecution, applicant has amended claim 17 to include determining that the location of a first wireless device is on a type of road, determining a route for a destination utilizing said determination that the location of a first wireless device is on said type of road, and determining an arrival time for said destination utilizing said determined route.

None of the references, used either alone or in combination, show or suggest such a feature. Applicant's specification includes ample teachings on the utilization of types of roads. For example, applicant directs the Examiner's attention to paragraph 12 of applicant's specification.

In accordance with the foregoing, applicant respectfully requests that the rejections of claims 16, and any claims dependent therefrom, be withdrawn.

Claim 18

Claims 18-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert and further in view of Sheha.

The Examiner stated:

> "Sheha … teach that such is old in the art (see paragraph 106…" (Office Action, page 7)

None of the references, including Sheha, however, shows or suggests applicant's invention of claim 18 of providing a highlight window for selecting one of the list of users on the first wireless telephonic device.

Similarly, none of the references, including Sheha shows or suggests applicant's invention of claim 18 of selecting, using the highlight window, one of the users from the list of users.

Sheha merely includes dragging and dropping – and doing so in an unrelated system.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 18, and any claims dependent therefrom, be withdrawn.

Claim 19

Claims 18-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert and further in view of Sheha.

Furthermore, the Examiner stated:

> "such a limitation would have been obvious in light of the references cited above" (Office Action, page 7)

Applicant respectfully submits that the Examiner's requirement of seven references actually only serves to show the patentability of applicant's claim 19. Furthermore, the Examiner's combination of seven references does not even show or suggest the features of claim 19.

None of the references, used either alone or in combination, shows or suggests claim 19 of providing a display screen on a first device for selecting a plurality of location alerts for a second wireless device and alerting said device in accordance with said selected location alert.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 19, and any claims dependent therefrom, be withdrawn.

Claim 20

Claim 20 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert and further in view of Sheha in view of Parupudi or in the alternative to Meadows or in the alternative Ganesh.

The Examiner stated, with respect to Parupudi, to see example 10. Example 10 of Parupudi, however, merely accounts for disabling a login of one device if the devices are not in the same location.

Parupudi does not show or suggest claim 20 that includes determining an identity, by utilizing a login and password, and utilizing this identity to determine if the device is allowed to access the location.

The Examiner also stated to see FIG. 4A of Meadows. Meadows merely describes an access code for a parent to monitor a child.

Meadows does not show or suggest claim 20 that includes determining an identity, by utilizing a login and password, and utilizing this identity to determine if the device is allowed to access the location.

The Examiner also stated to see FIG. 3 of Ganesh. FIG. 3 of Ganesh merely provides a carrier's webpage with a login ID. The web-page is preset to a telephone number. The webpage allegedly provides the location of the phone of the telephone number.

Solely to expedite prosecution and without prejudice, applicant has amended claim 20. Amended claim 20 includes, utilizing a login and a password entered on a first wireless telephonic device to determine an identity of said first wireless telephonic device and the location of said identity based on the location of said first wireless telephonic device, requesting the location of a second wireless telephonic device by said first device; utilizing said identity to determine whether said first wireless telephonic device is allowed to access the location of said second wireless telephonic device, wherein said access is provided by said second device and is stored remotely; and determining whether to provide the location of said second wireless telephonic device to said first wireless telephonic device based on said access.

None of the references, used either alone or in combination show or suggest claim 20 that includes determining an identity, by utilizing a login and password, and utilizing this identity to determine if the device is allowed to access the location and the location of said identity based on the location of the first wireless telephonic device, and requesting the location of a second wireless telephonic device by the first device.

Applicant's specification includes numerous discussions on identifying users on different devices utilizing a login and password. For example, applicant turns the Examiner's attention to paragraphs 14 and 16.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 20, and any claims dependent therefrom, be withdrawn.

General Arguments

The Examiner states that the Examiner can utilize any number of references. However, the Examiner cannot utilize references that are not combinable. Numerous of the Examiner's references include mandated controls (e.g., a parent mandating the ability to locate their child). Similarly, numerous of the Examiner's references are built upon specific data structures, policies, and environments that directly teach away and are not combinable with other data structures, policies, and environments. However, applicant believes, as discussed above, that claims 3-20 are in condition for immediate allowance.

Rejections in view of Official Notice

Many of the rejections made by the Examiner appear to have been rejected in view of Official Notice. Any rejection that does not show each and every element of a claim in one or more references is an inadequate rejection.

For rejections under 35 U.S.C. § 103(a), the Examiner has the burden of showing each and every element of applicant's invention in the prior art combination. If the Examiner is taking Official Notice, MPEP § 2144.03 requires that the facts of which notice are being taken be capable of instant and unquestionable demonstration as being well known in the art. *See In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). Applicant

believes that the "facts" of which the Examiner may have taken Official Notice do not meet that standard, and invoke his right under MPEP § 2144.03 to have the Examiner provide documentary proof that those facts are actually well known.

The Examiner "cannot simply reach conclusions based on its own understanding or experience – or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affadavit or declaration setting forth factual statements and explanation to such a finding. *See* MPEP 2144.03(c).

The Examiner cannot make rejections using a reference or combination of references where the references do not show each and every element of a particular claim. Applicant respectfully requests that the Examiner withdraw any rejections that do not show the inclusion of each and every element of a particular claim in a reference or a combination of references.

Conclusion

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

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

Respectfully Submitted,

/Jeffrey D. Mullen/

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Electronic Patent Application Fee Transmittal

Application Number:	11834674
Filing Date:	06-Aug-2007
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Filer:	Jeffrey David Mullen
Attorney Docket Number:	JDM/002 CON4

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 3 months with $0 paid	2253	1	700	700
Miscellaneous:				
RCE - 2nd and Subsequent Request	2820	1	850	850
		Total in USD ($)		**1550**

Electronic Acknowledgement Receipt	
EFS ID:	21079211
Application Number:	11834674
International Application Number:	
Confirmation Number:	1117
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
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Payment information:

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Payment Type	Deposit Account
Payment was successfully received in RAM	$1550
RAM confirmation Number	3647
Deposit Account	503855
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	JDM-002CON4--RCE.pdf	697858 b03c25ca56ccc409a83e1f88e1fc4f9f692e63fe	no	3
Warnings:					
Information:					
2		JDM-002CON4--Reply.pdf	211995 807956fb92996a062c173b39b7a87cde6cf002b1	yes	28

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment Submitted/Entered with Filing of CPA/RCE	1	1
	Claims	2	9
	Applicant Arguments/Remarks Made in an Amendment	10	28

Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32487 d187723937c9f1fc6b265027e520a8dcb2af0094	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	942340		

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New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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

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

PTO/SB/06 (09-11)
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/834,674	Filing Date 08/06/2007	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT 12/29/2014	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 18	Minus	** 20	= 0	X $40 =	0
Independent (37 CFR 1.16(h))	* 16	Minus	***16	= 0	X $210 =	0
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0

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

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

LIE
/MARQUITA JONES/

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.
11/834,674	08/06/2007	Jeffrey D. Mullen	JDM/002 CON4	1117

32733 7590 03/12/2015

JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED: 03/12/2015

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

PTO-90C (Rev. 10/03)

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
11/834,674	06 August, 2007	MULLEN, JEFFREY D.	JDM/002 CON4

		EXAMINER	
JEFFREY D. MULLEN 2212 Hassinger Lane Glenshaw, PA 15116		WILLIAM DEANE JR	
		ART UNIT	PAPER
		2652	20150308

DATE MAILED:

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

Commissioner for Patents

Please note the Notice of Non-Responsive Amendment contained herewith.

/WILLIAM DEANE JR/
Primary Examiner, Art Unit 2652

PTO-90C (Rev.04-03)

The present application is being examined under the pre-AIA first to invent provisions.

The reply filed on 12/29/2014 is not fully responsive to the prior Office action because of the following omission(s) or matter(s): [2]. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of **TWO (2) MONTHS** from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Specifically, in claim 4, the phrase, “plurality of areas” is not found in the specification, nor has Applicant pointed with specificity where such can be found in the specification.

In addition, in claim 16, the phrase, “type of road” is not found in the specification, nor has Applicant pointed with specificity where such can be found in the specification.

This not and exhaustive list, but merely examples of some of the problems found in Applicant’s response

> See 37 CFR 1.111. In addition, note MPEP 714.02 starting with the 3rd to last paragraph. In addition, note 2163.06 of the MPEP (the section B. New or Amended Claims and section II). METHODOLOGY FOR DETERMINING ADEQUACY OF WRITTEN DESCRIPTION).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Deane whose telephone number is 571-272-7484. The examiner can normally be reached on Monday - FRIDAY from 9:00 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The official fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. However, unofficial faxes can be direct to the examiners computer at 571 273 - 7484.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

08Mar2015

/WILLIAM DEANE JR/
Primary Examiner, Art Unit 2652

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/834,674	08/06/2007	Jeffrey D. Mullen	JDM/002 CON4	1117

32733 7590 04/08/2015

JEFFREY D. MULLEN
2212 Hassinger Lane
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EXAMINER	
DEANE JR, WILLIAM J	

ART UNIT	PAPER NUMBER
2652	

MAIL DATE	DELIVERY MODE
04/08/2015	PAPER

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

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

Office Action Summary	Application No. 11/834,674	Applicant(s) MULLEN, JEFFREY D.	
	Examiner WILLIAM DEANE JR	Art Unit 2652	AIA (First Inventor to File) Status No

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☒ Responsive to communication(s) filed on *03/12/2015*.

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

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

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

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

Disposition of Claims*

5)☒ Claim(s) *3-20* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *3-20* is/are rejected.

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

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

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

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

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

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

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

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____.

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

4) ☐ Other: _____.

The present application is being examined under the pre-AIA first to invent provisions.

DETAILED ACTION

Applicant has probably received by now the Notice of Non-Responsiveness dated 03/12/2015. The examiner has issued this non-final office action as there is a question if issuing a notice of non-responsiveness was proper after applicant requested an RCE. If applicant has responded to the Notice, such will not be a problem. This Office Action is in lieu of the Notice. Because of the confusion, applicant can expect a non-final office action in reply to Applicants Response to this Office Action.

Again, the examiner would be happy to talk with Applicant about this case and Applicant's other cases in one long phone interview to try and resolve any issues and come to a conclusion with respect to some or all of Applicant's cases. Applicant proposed such an interview back in September or October of 2013. The examiner agreed at that time and would still be open to such an interview.

Claim Rejections - 35 USC § 112

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

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

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

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly

> connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 4 – 5 and 16 - 17 rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor or a joint inventor, or for pre-AIA the inventor(s), at the time the application was filed, had possession of the claimed invention.

Specifically, in claim 4, the phrase, “plurality of areas” is not found in the specification, nor has Applicant pointed with specificity where such can be found in the specification.

In addition, in claim 16, the phrase, “type of road” is not found in the specification, nor has Applicant pointed with specificity where such can be found in the specification.

This not and exhaustive list, but merely examples of some of the problems found in Applicant’s response

> See 37 CFR 1.111. In addition, note MPEP 714.02 starting with the 3rd to last paragraph. In addition, note 2163.06 of the MPEP (the section B. New or Amended Claims and section II). METHODOLOGY FOR DETERMINING ADEQUACY OF WRITTEN DESCRIPTION).

Claim Rejections - 35 USC § 103

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

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

Claims 3 - 7, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.).

With respect to claim 3, note that Barclay et al. teach determining a location of a first wireless device (FIG. 4, step 407 and paragraph 0012);

providing said location to a facility (the service provider in paragraphs 0016 and 0017);

requesting said location of said first wireless device by a second wireless device (paragraph 0020 and step 413). In addition, note Fig.5;

providing a permission by said first wireless device for said second wireless device to access location information about said location storing said permission in said facility, wherein said facility is located remotely from said first and second wireless devices (paragraph 0018 and service provider) ;

providing said location information about said location from said facility to said second wireless device in accordance with said permission (paragraph 0018).

What Barclay et al. do not disclose is the, “creating on a first wireless telephonic device a list including a plurality of users, wherein each one of said plurality of users is associated to a different one of a plurality of wireless telephonic devices.” However, such is believed to be inherent in Barclay et al. If this is argued, note Fig. 16A of

Kalthoff et al. It would have been obvious to one of ordinary skill in the art to have created such a list as taught by Kalthoff et al. into the Barclay et al. in order to have a more efficient system.

With respect to claim 4, note Fig. 16B and paragraph 0050 of Kalthoff et al.

With respect to claim 5, note GPS system 109 in Fig. 1 of Barclay et al. and at least paragraph 0012 of Kalthoff.

With respect to claim 6 and 7, note the rejections above. In addition, note use of profiles in at least paragraph 0016 of Barclay et al. Additionally, note the multiple records kept at data processing system 28 on paragraph 0045 of Kalthoff et al. The new limitations to claim 6 reads on paragraph 0016 of Barclay et al. The only thing that is not explicitly taught by Barclay et al is the use of a graphical user interface. However, a fair reading of paragraph 0016 shows that such is inherent in Barclay et al. If that is argued, then it would have been obvious to one of ordinary skill in the art to have incorporated such a graphical interface whenever and wherever it was deemed necessary. Displaying information inputted or stored on a device is well-known in the art. Using one interface or two would be considered an obvious design choice.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.).

With respect to claim 8, note the rejections above and paragraph 0014 -0016 of Barclay et al. with regard to access levels. If this is not agreed, note Fig. 5, elements 505, 506 and 507 of Krasner et al. It would have been obvious to one of ordinary skill in the art to have incorporated the access levels as disclosed by Krasner et al. into Barclay et al./Kalthoff et al. system, as such would only entail the substitution of one known set of access levels for another. One graphical interface or multiple graphical interfaces would have been obvious to one of ordinary skill in the art as an obvious design choice.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.) and U.S. Patent Application No. 2009/0029717 (Bates).

With respect to claims 9, Barclay et al./Kalthoff et al./Krasner et al. do not explicitly disclose speed and direction of travel, however, note that Bates et al. teach such at paragraph 0045. It would have been obvious to have incorporated such speed and directions as taught by Bates et al. into the Barclay et al./Kalthoff et al./Krasner et al. system in order to have a more efficient map for a user.

Claims 10 -13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent

Application No. 2003/0069692 (Krasner et al.) and U.S. Patent Application No. 2009/0029717 (Bates) and U.S Patent No. 6,885,874 (Grube et al.).

Note that Barclay discloses maps (see paragraphs 0017 and 0022). In addition, note Fig. 12 of Kalthoff et al. and paragraph 0044 of Krasner et al. However, Grube et al. explicitly teach the claimed limitations. Grube et al. teach the claimed limitations at Col. 5, lines 2 - 4, Col. 6, lines 14 - 26 and Col. 6, line 59 - Col. 7, line 6 and Col. 16, lines 11 - 26. It would have been obvious to one of ordinary skill in the art to have incorporated such limitations as disclosed by Grube et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al. system in order to have a more efficient map system.

With respect to claim 11, such a limitation would have been obvious in light of the maps disclosed in the references above. One would only need to see the device on the map to know which device was the closest.

With respect to claim 12, such a limitation would be obvious in light of the references cited above.

With respect to claim 13, note that Bates et al. discloses the use of profiles at paragraph 0022 and note use of profiles in at least paragraph 0016 of Barclay et al. Additionally, note the multiple records kept at data processing system 28 in paragraph 0045 of Kalthoff et al.

A dating profile would have been obvious to one of ordinary skill in the art as such would only entail the substitution or addition of one known profile or group for another.

Claims 14 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.) and U.S. Patent Application No. 2009/0029717 (Bates) and U.S Patent No. 6,885,874 (Grube et al.) and U.S. Patent Application No. 2002/0102989 (Calvert et al.).

With respect to claim 14, the limitations are taught by the references noted above. With respect to the distance between devices, note the Abstract of Kalthoff et al. and see Figs. 3 – 3F. If this is argued, note paragraphs 0052 and 0060 of Calvert et al. It would have been obvious to one of ordinary skill in the art to have incorporated the ability to determine the distance between devices as taught by Calvert et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al. system as such would only involve manipulating data that already known by the system.

With respect to claim 15, note Col. 22, line 7 – 11 of Grube et al.

With respect to claim 16, note paragraph 0014 of Barclay et al. and paragraph 0014 of Kalthoff et al. and Col. 6, lines 33 – 58 of Grube et al.

With respect to claim 17, note the rejections above.

Claims 18 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.) and U.S. Patent Application No.

2009/0029717 (Bates) and U.S Patent No. 6,885,874 (Grube et al.) and U.S. Patent Application No. 2002/0102989 (Calvert et al.) and U.S. Patent Application No. 2004/0054428 (Sheha et al.).

Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al. teach the claimed limitations as shown above except for the use of highlights; however, Sheha et al. teach that such is old in the art (see paragraph 0106 of Sheha et al.). It would have been obvious to one of ordinary skill in the art to have incorporated such selection means as highlighting as taught by Sheha et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al. device in order to make it easier in selecting from the list.

With respect to claim 19, such limitations would have been obvious to one of ordinary skill in the art in light of the references and rejections above.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.) and U.S. Patent Application No. 2009/0029717 (Bates) and U.S Patent No. 6,885,874 (Grube et al.) and U.S. Patent Application No. 2002/0102989 (Calvert et al.) and U.S. Patent Application No. 2004/0054428 (Sheha et al.) and further in view of U.S. Patent No. 7,072,956 (Parupudi et al.) or in the

alternative U.S. Patent No. 6,716,101 (Meadows et al.) or alternatively U.S. Patent No. 7,013,148 (Ganesh et al.)

Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al./Sheha et al. teach the claimed limitations except for the login aspects. However, note that Parupudi et al. teach such login aspects (see example 10). It would have been obvious to one of ordinary skill in the art to have incorporated such login aspects as taught by Parupudi et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al./Sheha et al. system in order to provide better security.

In the alternative, note Fig. 4A of Meadows et al. It would have been obvious to one of ordinary skill in the art to have incorporated such login aspects as taught by Meadows et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al./Sheha et al. system in order to provide better security.

Alternatively, note Fig 3 of Ganesh et al. It would have been obvious to one of ordinary skill in the art to have incorporated such login aspects as taught by Ganesh et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al./Sheha et al. system in order to provide better security.

Response to Arguments

Applicant argues at the top of page 12, that an individual name is not a list. The examiner disagrees. An individual name is a list, it's a list of one. In addition, note Fig. 2 Kalthoff. Note also Col. 3, lines 12 – 29 of Barclay.

Applicant argues further on page 12, that the Kalthoff phone is pre-programmed at the data processing system. Even if the examiner accepted Applicant's position,

such would still be at least obvious. Phones are computers, computers are phones. Such a small programing step would have been obvious to one of ordinary skill in the art, whether it happened at the phone or some other computer.

With respect to Applicant's argument on page 14, with respect to access levels, even if the examiner agreed, at least to some degree, such a limitation as broadly claimed, still reads on the Barclay reference. For example, there are at least to levels of access in Barclay, access and no access.

With respect to Applicant's argument with respect to claim 8, such an argument is unclear to the examiner. Perhaps a phone call could help clear this up.

With respect to applicant's arguments with regard to speed or direction and the like, the examiner is not persuaded. See the rejections above.

With respect to a dating profile on page 19, the references show profiles or customer records. A profile is a profile. With respect to one dating service interacting together, such appears to be nothing more than to business agreeing to work together for a perceived advantage.

With respect to Barclay, instead of paragraph 14, it should have been Col. 2, lines 19 – 45, which was cited correctly in an earlier action. With the idea of a highway (type of road), the examiner is not certain that there is enough evidence to show what the applicant intended. For example, there is no comparison between types of roads, interstate, highway, school zone, damaged road, dirt road and etc. Applicant points to a highway and speaks to the speed on that highway. No mention of other types of roads.

Looks more like a speed pertaining to that particular highway. Note the112 rejection above. In addition, applicant stated that there is ample teaching of "types of roads" and points to paragraph 12 of Applicant's specification. If there is ample teachings of "types of roads" please point out such in the Detailed Description section of the specification.

Applicant argues, at the bottom of page 23 concerning claim 19, that the examiner is using too many references to reject the claims and therefore, the claimed limitations are not obvious and should be allowed.

In response to applicant's argument that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).

With respect to applicant's argument on page 26 under General arguments, this argument, albeit stated differently, has been discussed earlier in this case and Applicant's other cases

Applicant also argues that the examiner "appears" or "may", have relied on Official Notice. However, Applicant does not point with specificity to such a step or element that Applicant refers.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Deane whose telephone number is 571-272-7484. The examiner can normally be reached on Monday - FRIDAY from 9:00 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The official fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. However, unofficial faxes can be direct to the examiners computer at 571 273 - 7484.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

05Apr2015

/William J Deane/

Primary Examiner, Art Unit 2652

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11834674	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	2614

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
455	456.1	06May2009	WJD
	415		
	457		
	435		
	404.1		
	Updated the prior search	25Mar2010	WJD
	Updated the prior search	06Dec2010	WJD
	Updated the search above	12Sep2011	WJD
	Updated the search above	06Sep2013	WJD
	Updated the search above	25Jun2014	WJD
	Updated the search above	05Apr2015	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11834674	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	2614

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

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	06/06/2009	03/25/2010	12/06/2010	09/12/2011	09/06/2013	06/25/2014	04/05/2015		
	1	✓	✓	✓	-	-	-	-		
	2	✓	✓	✓	-	-	-	-		
	3	✓	✓	✓	✓	✓	✓	✓		
	4	✓	✓	✓	✓	✓	✓	✓		
	5	✓	✓	✓	✓	✓	✓	✓		
	6	✓	✓	✓	✓	✓	✓	✓		
	7	✓	✓	✓	✓	✓	✓	✓		
	8	✓	✓	✓	✓	✓	✓	✓		
	9	✓	✓	✓	✓	✓	✓	✓		
	10	✓	✓	✓	✓	✓	✓	✓		
	11	✓	✓	✓	✓	✓	✓	✓		
	12	✓	✓	✓	✓	✓	✓	✓		
	13	✓	✓	✓	✓	✓	✓	✓		
	14	✓	✓	✓	✓	✓	✓	✓		
	15	✓	✓	✓	✓	✓	✓	✓		
	16	✓	✓	✓	✓	✓	✓	✓		
	17	✓	✓	✓	✓	✓	✓	✓		
	18	✓	✓	✓	✓	✓	✓	✓		
	19	✓	✓	✓	✓	✓	✓	✓		
	20	✓	✓	✓	✓	✓	✓	✓		

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-20 are pending.

The Examiner rejected claims 4-5 and 16-17 under 35 U.S.C. 112(a).

The Examiner rejected claims 3-7 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (hereinafter "Barclay et al.") in view of Application No. 2001/0048364 (hereinafter “Kahlthoff”)

The Examiner rejected claim 8 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of U.S. Patent Application No. 2003/0069692 (hereinafter “Krasner et al.”).

The Examiner rejected claim 9 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates U.S. Patent Application No. 20090029717 (hereinafter “Bates”).

The Examiner rejected claims 10-13 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube U.S. Patent Application No. 6,885,874 (hereinafter “Grube”)

The Examiner rejected claims 14-17 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert U.S. Patent Application No. 2002/0102989 (hereinafter “Calvert et al.”).

The Examiner rejected claims 18-19 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view

of Bates and further in view of Grube and further in view of Calvert and further in view of U.S. Patent Application No. 2004/0054428 (hereinafter Sheha et al.).

The Examiner rejected claim 20 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert and further in view of Sheha in view of U.S. Patent No. 7,072,956 (hereinafter "Parupudi") or in the alternative to Meadows U.S. Patent No. 6,716,101 (hereinafter "Meadows") or in the alternative Ganesh U.S. Patent No. 7,013,148 (hereinafter "Ganesh").

Summary of Applicant's Amendments

Applicant previously amended claims 9, 16 and 17 without prejudice and solely in order to expedite prosecution.

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

Applicant's Response to the 35 U.S.C. 112

The Examiner rejected claims 4-5 and 16-17 under 35 U.S.C. 112(a), first paragraph.

The Examiner rejected claim 4 for including a "plurality of areas."

Applicant's specification includes numerous teaches on areas. As per just one example, applicant

direct's the Examiner's attention to FIG. 11 and the associated specification.

The Examiner rejected claim 16 for including a "type of road." Solely in order to expedite prosecution, and without prejudice, applicant has amended claim 16.

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

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

Claim 3

Claims 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kahlthoff.

The Examiner stated:

> "An individual name is a list, it's a list of one. In addition, note FIG. 1 Kalthoff. Note also Col. 3, lines 12-29 of Barclay" (Office Action, page 10).

The Examiner's argument is incorrect. A list is not one. A list is a series of more than one. There is no list of one – only one.

Applicant's claim 3 includes creating a list and allowing transmission of location information to the list.

Kahlthoff's FIG. 16A does not show or suggest such a feature. Kahlthoff merely alleges enabling friend alerts for individual names. Kahlthoff is silent on creating a list and allowing location information to be send to the list. An individual name is not a list.

For at least this reason, applicant respectfully requests that the Examiner's rejection of claim 3 be withdrawn.

Additionally, Kahlthoff, merely describes a family account with parents monitoring children. *See*

Kahltoff, paragraph 47. The account is allegedly "pre-programmed." *See* Kahltoff, paragraph 13. The account is established at the "data processing system." *See* Kahltoff, paragraph 47. Accordingly, Kahltoff does not show or suggest applicant's claim 3 that includes creating on the wireless telephonic device a list. A pre-programmed family account is not creating a list.

For at least this reason, applicant respectfully requests that the Examiner's rejection of claim 3 be withdrawn.

Furthermore, neither Barclay nor Kahlthoff, used either alone or in combination, show or suggest claim 3 that includes storing an allowance of location information to a list on a remote server.

In light of the above-identified reasons, applicant respectfully requests that the Examiner's rejection of claim 3, and any claims dependent therefrom, be withdrawn.

Claims 4 and 5

Claim 4-5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kahlthoff.

Kahlthoff describes a family account with parents monitoring children. *See* Kahltoff, paragraph 47. The account is allegedly "pre-programmed." *See* Kahltoff, paragraph 13. The account is established at the "data processing system." *See* Kahltoff, paragraph 47.

The Examiner stated that "Even if the Examiner accepted Applicant's position, such would still be at least obvious." (Office Action, page 11).

The Examiner must provide documentary evidence that shows each and every element of applicant's claim.

The Examiner cannot, in hindsight, merely state that a feature is obvious. Accordingly, applicant invokes his right to have the Examiner provide documentary evidence showing the missing feature and provide an acceptable combination without changing the operation or eviscerating the spirit of the Kahlthoff device.

Kahlthoff also alleges a "pre-determined area." *See* Kahltoff, paragraph 50. Solely without prejudice and in order to expedite prosecution, applicant has amended claim 4 to include selecting an area from a plurality of areas on a wireless device. Neither Kahlthoff nor Barclay, used either alone or in combination, show or suggest such feature.

Applicant's specification includes numerous teachings on location alerts. As per just one example, applicant directs the Examiner's attention to FIG. 11.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 4 and 5, and any claims dependent therefrom, be withdrawn.

Claim 6

Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kahlthoff.

The Examiner stated that Barclay does not discuss:

> "the use of a graphical interface." (Office Action, page 5)

The Examiner holds, however, that "as broadly claimed, still reads on the Barclay reference" (Office action, page 11).

Applicant's claim, however, includes a first graphical interface and a second graphical interface. The

first graphical interface is provided after selecting on a second graphical interface.

Barclay – which does not show a graphical interface – also does not show two graphical interfaces, the relation between the two interfaces, and the features associated with the graphical interfaces.

Furthermore, Barclay alleges granularities that on how Barclay's customer wants to receive location from service providers. Col. 3, lines 1-29. This is allegedly different from the Barclay permission options for third parties. Col. 3, lines 39-49. Applicant previously amended claim 6 to include a first level of location access from several levels of location access provided on a first graphical interface on a first wireless telephone. Barclay does not show or suggest this feature. Barclay's permissions do not have access levels – let alone provided on a graphical interface on a wireless telephone.

Accordingly, applicant respectfully requests the Examiner's rejection of claim 6, and any claims dependent therefrom, be withdrawn.

Furthermore, applicant previously amended claim 6 to include providing a first level of access after selecting a second wireless telephone on a second graphical interface on a first wireless telephone. Neither Barclay nor Kahlthoff show or suggest such a feature.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 6, and any claims dependent therefrom, be withdrawn.

Claim 7

Claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kahlthoff.

Claim 7 provides a stationary computer that receives manual input to identify a user profile and identifying the user profile associated with this stationary computer.

In Kahlthoff and Barclay, alleged portable devices are fixed to a person (e.g., a child). Such a portable device is not a stationary computer for receiving manual input to identify a user profile – let alone claim 7 that includes a server that sends location information to the stationary computer associated with the identified user profile after a first permission is verified.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 7, and any claims dependent therefrom, be withdrawn.

Claim 8

Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner.

For clarity, applicant directs the Examiner's attention to applicant's arguments for the patentability of claim 6. As suggested above, neither Barclay nor Kalthoff, used either alone or in combination, show or suggest applicant's invention of claim 8 that includes providing a first level of access for information associated with a location of a first wireless device to a second wireless device by said first wireless device on a first graphical interface on said first wireless device after selecting said second wireless device on a second graphical interface on said first wireless device.

Krasner does not correct for the deficiency of Barclay and Kalthoff. None of the references show or

suggest any of the features of the two graphical interfaces, the interaction of the two graphical interfaces, and the providing of a first level of access on a first interface after selecting a second wireless device on a second interface on the first wireless device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 8, and any claims dependent therefrom, be withdrawn.

Claim 9

Claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates Bates.

Furthermore, the Examiner stated:

> "Barlay et al./Kalthoff et al./Krasner et al. do not explicitly disclose speed and the direction of travel, however, note that Bates et al. teach such at paragraph 0045" (Office Action, page 6)

Bates merely alleges determining a rate and direction of travel (*See* Bates, paragraph 45).

A rate and direction of travel is not an arrival time to a destination.

None of the references, used either alone or in combination, correct for this deficiency.

Furthermore, without prejudice and solely in order to expedite prosecution, applicant has amended the claim to include an assumed route to determine an estimated arrival time of said first wireless device to a destination and providing said estimated arrival time to said device. The estimated arrival time for the first wireless device is

provided to the device and utilizes the travel speed and assumed route.

Accordingly, none of the references, used either alone or in combination, show or suggest applicant's invention of claim 9 includes determining a travel speed and utilizing the travel speed to determine an arrival time to a destination.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 9, and any claims dependent therefrom, be withdrawn.

Claim 10

Claims 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube.

The Examiner stated:

> "Grube … teach the claimed limitations at Col. 5 … - Col. 7…." (Office Action, page 7)

Grube, however, alleges a group service for groups such as emergency groups for responding to the event through a dispatch call.

Applicant previously amended claim 10 without prejudice and solely in order to expedite prosecution to include utilizing a travel speed to determine an arrival time to a destination.

None of the references, used either alone or in combination, show or suggest such a feature. Applicant turns the Examiner's attention to applicant's arguments for the patentability of claim 9.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 10, and any claims dependent therefrom, be withdrawn.

Claim 11

Claims 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube.

Applicant had previously amended the claim to include providing an option of finding the closest one.

The user, however, finding the closest device by seeing the map is not applicant's claim of providing an option of finding the closest one of said plurality of wireless devices to said device.

Just because a television set may display a picture of a bird that is blue does not mean the television set knows it is showing a bird that is blue.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 11, and any claims dependent therefrom, be withdrawn.

Claim 12

Claims 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube.

None of the prior art, used either alone or in combination, shows or suggests claim 12 that includes providing a display screen on a first wireless telephonic device for said first wireless telephonic device to request the location of a different wireless device and entering

said telephone number on said display screen – let alone requesting on the different wireless device that said different wireless device provides access information for said first wireless telephonic device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 12, and any claims dependent therefrom, be withdrawn.

Claim 13

Claims 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube.

Furthermore, the Examiner stated:

> "a provide is a profile. With respect to one dating service interacting together, such appears to be nothing more than a business agreeing to work together for a perceived advantage" (Office Action, page 11)

Applicant's claim 13 does not just include a profile or dating feature, which is not even obvious and applicant invokes his right to require Examiner to provide documentary proof that is combinable with any references needed to show applicant's claim 13.

Applicant's claim 13 includes a profile of a first dating service user matches a profile of a second dating service user, alerting said first dating service user of said second dating service user, and requesting access to a form of communication between said first and second dating service users.

Applicant's claim has a different structure and a different function and includes a structure with increased whimsicle and festive nature. Applicant's claim is

patentable. None of the references, used either alone or in combination, include any dating features – let alone the numerous dating features provided in claim 13.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 11, and any claims dependent therefrom, be withdrawn.

Claim 14

Claims 14-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert.

Calvert is irrelevant. Calvert does not provide a system based on location access information. Accordingly, Calvert is inoperable to be combined. However, without prejudice and solely in order to expedite prosecution, applicant previously amended claim 14 to include a distance and directional indicia.

None of the references, used either alone or in combination, show or suggest claim 14 that includes a distance and a directional indicia that is displayed on said second wireless device to indicate the location of said first wireless device relative to the location of said second wireless device.

In accordance with the foregoing, applicant respectfully requests that the rejections of claim 14 be withdrawn.

Claim 15

Claims 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and

further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert.

Grube merely discusses, however, a user "snapping" the user's route to a closest route of another user. A user "snapping" the user's route to a closest route of another user is not the shortest path or displaying the shortest path. For example, the hypotenuse of a triangle defined by two routes may be the shortest path – not snapping a route to the closest route. Furthermore, a user "snapping" is not displaying.

Accordingly, none of the references, used either alone or in combination, show or suggest applicant's invention of claim 15 that location access information stored on a remote server for said second wireless device by said first wireless device and utilizing the location of said second wireless device and said first wireless device to determine the shortest path between said first and second wireless devices, wherein said shortest path is displayed on said second wireless device.

In accordance with the foregoing, applicant respectfully requests that the rejections of claim 15 be withdrawn.

Claims 16 and 17

Claims 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert.

Without prejudice and solely in order to expedite prosecution, applicant has amended claim 16 to include determining that the location of a first wireless device is on a type of travel, determining ~~a~~ an assumed route for a

destination utilizing said determination that the location of a first wireless device is on said type of travel, and estimating an arrival time for said destination utilizing said determined assumed route, wherein said estimated arrival time is displayed on the second device.

None of the references, used either alone or in combination, show or suggest such a feature. Applicant's specification includes ample teachings on the utilization of types of roads. For example, applicant directs the Examiner's attention to paragraph 12 of applicant's specification.

In accordance with the foregoing, applicant respectfully requests that the rejections of claims 16, and any claims dependent therefrom, be withdrawn.

Claim 18

Claims 18-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert and further in view of Sheha.

None of the references, including Sheha, however, shows or suggests applicant's invention of claim 18 of providing a highlight window for selecting one of the list of users on the first wireless telephonic device.

Similarly, none of the references, including Sheha shows or suggests applicant's invention of claim 18 of selecting, using the highlight window, one of the users from the list of users.

Sheha merely includes dragging and dropping – and doing so in an unrelated system.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 18, and any claims dependent therefrom, be withdrawn.

Claim 19

Claims 18-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert and further in view of Sheha.

Applicant respectfully submits that the Examiner's requirement of seven references actually only serves to show the patentability of applicant's claim 19. Furthermore, the Examiner's combination of seven references does not even show or suggest the features of claim 19.

None of the references, used either alone or in combination, shows or suggests claim 19 of providing a display screen on a first device for selecting a plurality of location alerts for a second wireless device and alerting said device in accordance with said selected location alert.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 19, and any claims dependent therefrom, be withdrawn.

Claim 20

Claim 20 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert and further in view of Sheha in view of Parupudi or in the alternative to Meadows or in the alternative Ganesh.

The Examiner stated, with respect to Parupudi, to see example 10. Example 10 of Parupudi, however, merely accounts for disabling a login of one device if the devices are not in the same location.

Parupudi does not show or suggest claim 20 that includes determining an identity, by utilizing a login and password, and utilizing this identity to determine if the device is allowed to access the location.

The Examiner also stated to see FIG. 4A of Meadows. Meadows merely describes an access code for a parent to monitor a child.

Meadows does not show or suggest claim 20 that includes determining an identity, by utilizing a login and password, and utilizing this identity to determine if the device is allowed to access the location.

The Examiner also stated to see FIG. 3 of Ganesh. FIG. 3 of Ganesh merely provides a carrier's webpage with a login ID. The web-page is preset to a telephone number. The webpage allegedly provides the location of the phone of the telephone number.

Solely to expedite prosecution and without prejudice, applicant has amended claim 20. Amended claim 20 includes, utilizing a login and a password entered on a first wireless telephonic device to determine an identity of said first wireless telephonic device and the location of said identity based on the location of said first wireless telephonic device, requesting the location of a second wireless telephonic device by said first device; utilizing said identity to determine whether said first wireless telephonic device is allowed to access the location of said second wireless telephonic device, wherein said access is provided by said second device and is stored

remotely; and determining whether to provide the location of said second wireless telephonic device to said first wireless telephonic device based on said access.

None of the references, used either alone or in combination show or suggest claim 20 that includes determining an identity, by utilizing a login and password, and utilizing this identity to determine if the device is allowed to access the location and the location of said identity based on the location of the first wireless telephonic device, and requesting the location of a second wireless telephonic device by the first device.

Applicant's specification includes numerous discussions on identifying users on different devices utilizing a login and password. For example, applicant turns the Examiner's attention to paragraphs 14 and 16.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 20, and any claims dependent therefrom, be withdrawn.

Rejections in view of Official Notice

Many of the rejections made by the Examiner appear to have been rejected in view of Official Notice. Any rejection that does not show each and every element of a claim in one or more references is an inadequate rejection.

For rejections under 35 U.S.C. § 103(a), the Examiner has the burden of showing each and every element of applicant's invention in the prior art combination. If the Examiner is taking Official Notice, MPEP § 2144.03 requires that the facts of which notice are being taken be capable of instant and unquestionable demonstration as being well known in the art. *See In re Ahlert*, 424 F.2d

1088, 1091, 165 USPQ 418, 420 (CCPA 1970). Applicant believes that the "facts" of which the Examiner may have taken Official Notice do not meet that standard, and invoke his right under MPEP § 2144.03 to have the Examiner provide documentary proof that those facts are actually well known.

The Examiner "cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affadavit or declaration setting forth factual statements and explanation to such a finding. *See* MPEP 2144.03(c).

The Examiner cannot make rejections using a reference or combination of references where the references do not show each and every element of a particular claim. Applicant respectfully requests that the Examiner withdraw any rejections that do not show the inclusion of each and every element of a particular claim in a reference or a combination of references.

Conclusion

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

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

Respectfully Submitted,

/Jeffrey D. Mullen/

Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
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Electronic Patent Application Fee Transmittal	
Application Number:	11834674
Filing Date:	06-Aug-2007
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Filer:	Jeffrey David Mullen
Attorney Docket Number:	JDM/002 CON4
Filed as Small Entity	
Filing Fees for **Utility under 35 USC 111(a)**	

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 3 months with $0 paid	2253	1	700	700
Miscellaneous:				
		Total in USD ($)		**700**

Electronic Acknowledgement Receipt	
EFS ID:	23738232
Application Number:	11834674
International Application Number:	
Confirmation Number:	1117
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON4
Receipt Date:	08-OCT-2015
Filing Date:	06-AUG-2007
Time Stamp:	21:14:32
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$700
RAM confirmation Number	6784
Deposit Account	503855
Authorized User	MULLEN, JEFFREY D.
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

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

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

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

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		JDM-002CON4--Reply.pdf	212911 25dc0271f23ad604223d0794ed41a0d5861ef8ca	yes	29

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Applicant Arguments/Remarks Made in an Amendment	1	1
Claims	2	10
Amendment/Req. Reconsideration-After Non-Final Reject	11	29

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	30772 0c3ba8bee4a817b64fc4cd95e4bb5941bf0f2d2a	no	2

Warnings:

Information:

Total Files Size (in bytes):	243683

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

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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

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

SMALL ENTITY
JDM/002 CON4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Jeffrey D. Mullen
Application No.	:	11/834,674
Confirmation No.	:	1117
Filed	:	August 6, 2007
For	:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
Group Art Unit	:	2614
Examiner	:	William Deane Jr.

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

Pittsburgh, PA 15238
October 8, 2015

REPLY TO OFFICE ACTION

Sir:

This is in Reply to the Office Action dated April 8, 2015. A three-month extension of time is applicable hereto and submitted herewith. In Reply to the Office Action, applicant amends the application as follows:

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

Remarks begin on page 10 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled)

3. (previously presented) A method comprising:

creating on a first wireless telephonic device a list including a plurality of users, wherein each one of said plurality of users is associated to a different one of a plurality of wireless telephonic devices;

allowing transmission of location information associated to said first wireless telephonic device to said list, wherein said allowance is provided to, and stored on, a remote server;

receiving at said remote server said location information and storing said location information; and

providing said location information to at least one of said plurality of users on said list by providing said location information to said different wireless telephonic device associated to the provided at least one users.

4. (previously presented) A method comprising:

selecting a first area from a plurality of areas on a first wireless device;

requesting to be alerted on said ~~a~~ first wireless device when a second wireless device enters said ~~a~~ first area;

obtaining a location of said second wireless device;

determining whether said location is in said first area;

determining whether said second wireless device has provided said first wireless device with permission to obtain information associated with said location of said second wireless device; and

providing an alert to said first wireless device if said location is in said first area and if said second wireless device has provided said first wireless device with permission to obtain information associated with said location of said second wireless device.

5. (previously presented) The method of claim 4, wherein a positioning system is utilized to provide said location.

6. (previously presented) A system comprising:

a first wireless telephone;

a second wireless telephone; and

a server located remotely from said first and second wireless telephones, wherein said server receives and stores a first location representative of the location of said first wireless telephone, said server receives and stores a second location representative of the location of said second wireless telephone, said server receives and stores a first permission from said first wireless telephone for said second wireless telephone to receive location information associated with said first location according to a first level of location access from several levels of location access provided on a first graphical

interface on said first wireless telephone after selecting said second wireless telephone on a second graphical interface on said first wireless telephone, and said server sends said location information to said second wireless telephone after verifying said first permission.

7. (previously presented) A system comprising:

a first wireless telephone;

a stationary computer, wherein said stationary computer receives manual input to identify a user profile; and

a server located remotely from said first and second wireless telephones, wherein said server receives and stores a first location representative of the location of said first wireless telephone, said server receives and stores a first permission from said first wireless telephone for said user profile to receive location information associated with said first location, and said server sends said location information to said stationary computer after verifying said first permission and identifying said user profile associated with said stationary computer.

8. (previously presented) A method comprising:

providing a first level of access for information associated with a location of a first wireless device to a second wireless device by said first wireless device on a first graphical interface on said first wireless device after selecting said second wireless device on a second graphical interface on said first wireless device;

providing a second level of access for information associated with said location to a third wireless device by said first wireless device;

storing said first level of access and said second level of access on a remote server, wherein said first and second level of access are different; and

providing said information to said second wireless device in accordance with said first level of access; and

providing said information to said third wireless device in accordance with said second level of access.

9. (currently amended) A method comprising:

allowing a device to locate a first wireless device in accordance with access information stored on a remote server by said first wireless device;

locating said first wireless device a plurality of times and determining a travel speed based on said locating;

utilizing said travel speed and an assumed route to determine an estimated arrival time of said first wireless device to a destination; and

providing said estimated arrival time to said device.

10. (previously presented) A method comprising:

allowing a device to locate a plurality of wireless devices based on access information for said device provided by said plurality of wireless devices, wherein said access information is stored on a remote server;

determining a travel speed for at least one of said plurality of wireless devices;

utilizing said travel speed to determine an arrival time to a destination; and

displaying on said device the location of said plurality of wireless devices on a map on said device.

11. (previously presented) A method comprising:

allowing a device to locate a plurality of wireless devices based on access information provided by said plurality of wireless devices, wherein said access information is stored on a remote server; and

providing an option of finding the closest one of said plurality of wireless devices to said device.

12. (previously presented) A method comprising:

providing a display screen on a first wireless telephonic device for said first wireless telephonic device to request the location of a different wireless device, wherein a telephone number is operable to be entered on said display screen;

entering said telephone number on said display screen, wherein said telephone number is associated with said different wireless device;

requesting on said different wireless device that said different wireless device provides access information for said first wireless telephonic device; and

storing said access information on a remote server.

13. (previously presented) A method comprising:

determining whether a looking for profile of a

first dating service user matches a profile of a second dating service user;

alerting said first dating service user of said second dating service user, wherein a first location of a first wireless telephonic device of said first dating service user and a second location of said second wireless telephonic device of said second service user are utilized in determining to provide said alert and said first and second locations are stored on a remote server; and

requesting access to a form of communication between said first and second dating service users.

14. (previously presented) A method comprising:

determining the location of a first wireless device by a second wireless device in accordance with location access information stored on a remote server for said second wireless device by said first wireless device; and

utilizing the location of said second wireless device and the location of said first wireless device to determine the distance between said first and second wireless devices, wherein said distance is displayed on said second wireless device and a directional indicia is displayed on said second wireless device to indicate the location of said first wireless device relative to the location of said second wireless device.

15. (previously presented) A method comprising:

determining the location of a first wireless device by a second wireless device in accordance with location access information stored on a remote server for

said second wireless device by said first wireless device; and

utilizing the location of said second wireless device and said first wireless device to determine the shortest path between said first and second wireless devices, wherein said shortest path is displayed on said second wireless device.

16. (currently amended) A method comprising:

determining the location of a first wireless device by a second device in accordance with location access information stored on a remote server for said second device by said first wireless device;

determining that the location of a first wireless device is on a type of travel ~~road~~;

determining ~~a~~ an assumed route for a destination utilizing said determination that the location of a first wireless device is on said type of travel ~~road~~; and

~~determining~~ estimating an arrival time for said destination utilizing said determined assumed route, wherein said estimated arrival time is displayed on said second device.

17. (currently amended) The method of claim 16, wherein said type of travel is driving ~~determining said route further utilizes the direction of travel of said first wireless device~~.

18. (previously presented) A method comprising:

providing a list of users on a first wireless telephonic device;

providing a highlight window for selecting one of said list of users on said first wireless telephonic device;

selecting, using said highlight window, one of said users from said list of users; and

providing a display screen on said first wireless device for selecting location access rights for said selected user with respect to the location of said first wireless telephonic device.

19. (previously presented) A method comprising:

providing a display screen on a first device for selecting a plurality of location alerts for a second wireless device; and

alerting said device in accordance with said selected location alert.

20. (previously presented) A method comprising:

utilizing a login and a password entered on a first wireless telephonic device to determine an identity of said first wireless telephonic device and the location of said identity based on the location of said first wireless telephonic device;

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

utilizing said identity to determine whether said first wireless telephonic device is allowed to access the location of said second wireless telephonic device, wherein said access is provided by said second device and is stored remotely; and

determining whether to provide the location of said second wireless telephonic device to said first wireless telephonic device based on said access.

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/834,674	Filing Date 08/06/2007	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT	10/08/2015	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 18	Minus	** 20	= 0	X $40 =	0
	Independent (37 CFR 1.16(h))	* 14	Minus	***16	= 0	X $210 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	0

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

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

LIE
/SHARON HARRIS/

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.
11/834,674	08/06/2007	Jeffrey D. Mullen	JDM/002 CON4	1117

32733 7590 01/08/2016

JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

EXAMINER	
DEANE JR, WILLIAM J	

ART UNIT	PAPER NUMBER
2652	

MAIL DATE	DELIVERY MODE
01/08/2016	PAPER

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

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

Office Action Summary	Application No. 11/834,674	Applicant(s) MULLEN, JEFFREY D.	
	Examiner WILLIAM DEANE JR	Art Unit 2652	AIA (First Inventor to File) Status No

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☒ Responsive to communication(s) filed on *10/08/2015*.

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

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

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

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

Disposition of Claims*

5)☒ Claim(s) *3-20* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *3-20* is/are rejected.

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

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

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

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

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

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

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

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____.

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

4) ☐ Other: _____.

The present application is being examined under the pre-AIA first to invent provisions.

DETAILED ACTION

Claim Rejections - 35 USC § 112

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

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

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

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

Claims 4 – 5 and 16 - 17 rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor or a joint inventor, or for pre-AIA the inventor(s), at the time the application was filed, had possession of the claimed invention.

Specifically, in claim 4, the phrase, “plurality of areas” is not found in the Detailed Description.

This not and exhaustive list, but merely examples of some of the problems found in Applicant's response

> See 37 CFR 1.111. In addition, note MPEP 714.02 starting with the 3rd to last paragraph. In addition, note 2163.06 of the MPEP (the section B. New or Amended Claims and section II). METHODOLOGY FOR DETERMINING ADEQUACY OF WRITTEN DESCRIPTION).

Claim Rejections - 35 USC § 103

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

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

Claims 3 - 7, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.).

With respect to claim 3, note that Barclay et al. teach determining a location of a first wireless device (FIG. 4, step 407 and paragraph 0012);

providing said location to a facility (the service provider in paragraphs 0016 and 0017);

requesting said location of said first wireless device by a second wireless device (paragraph 0020 and step 413). In addition, note Fig.5;

providing a permission by said first wireless device for said second wireless device to access location information about said location storing said permission in said facility, wherein said facility is located remotely from said first and second wireless devices (paragraph 0018 and service provider) ;

providing said location information about said location from said facility to said second wireless device in accordance with said permission (paragraph 0018).

What Barclay et al. do not disclose is the, "creating on a first wireless telephonic device a list including a plurality of users, wherein each one of said plurality of users is associated to a different one of a plurality of wireless telephonic devices." However, such is believed to be inherent in Barclay et al. If this is argued, note Fig. 16A of Kalthoff et al. It would have been obvious to one of ordinary skill in the art to have created such a list as taught by Kalthoff et al. into the Barclay et al. in order to have a more efficient system.

With respect to claim 4, note Fig. 16B and paragraph 0050 of Kalthoff et al.

With respect to claim 5, note GPS system 109 in Fig. 1 of Barclay et al. and at least paragraph 0012 of Kalthoff.

With respect to claim 6 and 7, note the rejections above. In addition, note use of profiles in at least paragraph 0016 of Barclay et al. Additionally, note the multiple records kept at data processing system 28 on paragraph 0045 of Kalthoff et al. The new limitations to claim 6 reads on paragraph 0016 of Barclay et al. The only thing that is not explicitly taught by Barclay et al is the use of a graphical user interface. However, a fair reading of paragraph 0016 shows that such is inherent in Barclay et al. If that is

argued, then it would have been obvious to one of ordinary skill in the art to have incorporated such a graphical interface whenever and wherever it was deemed necessary. Displaying information inputted or stored on a device is well-known in the art. Using one interface or two would be considered an obvious design choice.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.).

With respect to claim 8, note the rejections above and paragraph 0014 -0016 of Barclay et al. with regard to access levels. If this is not agreed, note Fig. 5, elements 505, 506 and 507 of Krasner et al. It would have been obvious to one of ordinary skill in the art to have incorporated the access levels as disclosed by Krasner et al. into Barclay et al./Kalthoff et al. system, as such would only entail the substitution of one known set of access levels for another. One graphical interface or multiple graphical interfaces would have been obvious to one of ordinary skill in the art as an obvious design choice.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No.

2003/0069692 (Krasner et al.) and U.S. Patent Application No. 2009/0029717 (Bates) . and further in view of U.S. Patent No. 6,765,528 (Tranchina et al.).

With respect to claims 9, Barclay et al./Kalthoff et al./Krasner et al. do not explicitly disclose speed and direction of travel, however, note that Bates et al. teach such at paragraph 0045. It would have been obvious to have incorporated such speed and directions as taught by Bates et al. into the Barclay et al./Kalthoff et al./Krasner et al. system in order to have a more efficient map for a user. In addition, note further with respect to claim 9, paragraph 0014 of Barclay et al. and paragraph 0014 of Kalthoff et al. Note also col. 5, lines 21 – 37 and Col. 8, lines 37 – 57 of Tranchina et al. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Tranchina et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al. system as such would only involve manipulating data that already known by the system.

Claims 10 -13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.) and U.S. Patent Application No. 2009/0029717 (Bates) and U.S Patent No. 6,885,874 (Grube et al.).
Note that Barclay discloses maps (see paragraphs 0017 and 0022). In addition, note Fig. 12 of Kalthoff et al. and paragraph 0044 of Krasner et al. However, Grube et al. explicitly teach the claimed limitations. Grube et al. teach the claimed limitations at Col. 5, lines 2 - 4, Col. 6, lines 14 - 26 and Col. 6, line 59 - Col. 7, line 6 and Col. 16, lines 11

- 26. It would have been obvious to one of ordinary skill in the art to have incorporated such limitations as disclosed by Grube et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al. system in order to have a more efficient map system.
With respect to claim 11, such a limitation would have been obvious in light of the maps disclosed in the references above. One would only need to see the device on the map to know which device was the closest.

With respect to claim 12, such a limitation would be obvious in light of the references cited above.

With respect to claim 13, note that Bates et al. discloses the use of profiles at paragraph 0022 and note use of profiles in at least paragraph 0016 of Barclay et al. Additionally, note the multiple records kept at data processing system 28 in paragraph 0045 of Kalthoff et al.

A dating profile would have been obvious to one of ordinary skill in the art as such would only entail the substitution or addition of one known profile or group for another.

Claims 14 – 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.) and U.S. Patent Application No.

2009/0029717 (Bates) and U.S Patent No. 6,885,874 (Grube et al.) and U.S. Patent Application No. 2002/0102989 (Calvert et al.).

With respect to claim 14, the limitations are taught by the references noted above.

With respect to the distance between devices, note the Abstract of Kalthoff et al. and see Figs. 3 – 3F. If this is argued, note paragraphs 0052 and 0060 of Calvert et al. It would have been obvious to one of ordinary skill in the art to have incorporated the ability to determine the distance between devices as taught by Calvert et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al. system as such would only involve manipulating data that is already known by the system.

With respect to claim 15, note Col. 22, line 7 – 11 of Grube et al.

Claims 16 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.) and U.S. Patent Application No. 2009/0029717 (Bates) and U.S Patent No. 6,885,874 (Grube et al.) and U.S. Patent Application No. 2002/0102989 (Calvert et al.) and further in view of U.S. Patent No. 6,765,528 (Tranchina et al.).

With respect to claim 16, note paragraph 0014 of Barclay et al. and paragraph 0014 of Kalthoff et al. and Col. 6, lines 33 – 58 of Grube et al. Note also col. 5, lines 21 – 37 and Col. 8, lines 37 – 57 of Tranchina et al. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Tranchina et al. into the

Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert system as such would only involve manipulating data that already known by the system.

With respect to claim 17, note the rejections above and Col. 8, lines 58 – 64 of Tranchina et al.

Claims 18 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.) and U.S. Patent Application No. 2009/0029717 (Bates) and U.S Patent No. 6,885,874 (Grube et al.) and U.S. Patent Application No. 2002/0102989 (Calvert et al.) and U.S. Patent Application No. 2004/0054428 (Sheha et al.).

Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al. teach the claimed limitations as shown above except for the use of highlights; however, Sheha et al. teach that such is old in the art (see paragraph 0106 of Sheha et al.). It would have been obvious to one of ordinary skill in the art to have incorporated such selection means as highlighting as taught by Sheha et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al. device in order to make it easier in selecting from the list.

With respect to claim 19, such limitations would have been obvious to one of ordinary skill in the art in light of the references and rejections above.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.) and U.S. Patent Application No. 2009/0029717 (Bates) and U.S Patent No. 6,885,874 (Grube et al.) and U.S. Patent Application No. 2002/0102989 (Calvert et al.) and U.S. Patent Application No. 2004/0054428 (Sheha et al.) and further in view of U.S. Patent No. 7,072,956 (Parupudi et al.) or in the alternative U.S. Patent No. 6,716,101 (Meadows et al.) or alternatively U.S. Patent No. 7,013,148 (Ganesh et al.)

Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al./Sheha et al. teach the claimed limitations except for the login aspects. However, note that Parupudi et al. teach such login aspects (see example 10). It would have been obvious to one of ordinary skill in the art to have incorporated such login aspects as taught by Parupudi et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al./Sheha et al. system in order to provide better security.

In the alternative, note Fig. 4A of Meadows et al. It would have been obvious to one of ordinary skill in the art to have incorporated such login aspects as taught by Meadows et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al./Sheha et al. system in order to provide better security.

Alternatively, note Fig 3 of Ganesh et al. It would have been obvious to one of ordinary skill in the art to have incorporated such login aspects as taught by Ganesh et

al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al./Sheha et al. system in order to provide better security.

Response to Arguments

Applicant argues at the top of page 12, that an individual name is not a list. The examiner disagrees. An individual name is a list; it's a list of one. In addition, note Fig. 2 Kalthoff. Note also Col. 3, lines 12 – 29 of Barclay. In addition, if one has a grocery list and has only one item in the list, it is still a grocery list. If one has a list of 10 items on an original list and subsequently finds 9 of those 10 items, leaving only one item remaining on the list, it is still a grocery list having one item. Additionally, programmers routinely create lists which are null until one fills in an item or multiple items. In fact, all lists are null until an item is filled in or written in the list. In practice, if one writes at the top of a page "grocery list" and waits 3 secs to write an item into the "list", for that 3 secs, most people would say it is still a "grocery list". The same is true if one item was on the grocery list.

Applicant argues further on page 14 - 15, that the Kalthoff phone is pre-programmed at the data processing system. Even if the examiner accepted Applicant's position, such would still be at least obvious to one of ordinary skill. Phones are computers; computers are phones. Such a small programing step would have been obvious to one of ordinary skill in the art, whether it happened at the phone or some other computer. In addition, Applicant is directed to Figs. 16 A and 16B of Kalthoff et al. Here, the distance is received (Bob is 500 feet away). It is merely a design choice to have the distance show up on one screen or two. To add a column with location

information from Fig. 16B to the list in 16 A would have been nothing more than design choice. The information is there, and it would have been obvious to one of ordinary skill to create and display the information in any manner that was deemed necessary.

On page 15, Applicant argues the idea of "predetermined area" is disclosed by Kalthoff et al. while Applicant has amended the claim to include selecting an area from a plurality of areas. In Kalthoff et al., the predetermined area can be selected from a plurality of areas as can be seen from the maps; location can be near 1241 central St or 1.54 miles away or 500 feet. It should also be noted that Kalthoff includes a locator and an alert and the examiner sees multiple locations on the wireless device for both the locator and the alert.

With respect to Applicant's argument on page 16 about claim 6, in relation to access levels, even if the examiner agreed, at least to some degree, such a limitation as broadly claimed, still reads on the Barclay reference. For example, there are at least two levels of access in Barclay: access and no access.

If this is argued, note Col. 4, lines 18 – 48, a party's access level is recognized since some parties are only allowed to see location information at one granularity while others see the location information at a different granularity.

With respect to Applicant's argument with regard to claim 8, see comments directly above.

With respect to Applicant's arguments on page 19 regarding claim 10, Applicant is directed to at least Col. 3, lines 30 - 50, Col. 8, lines 36 – 63 and Col. 9, lines 42 – 64

of Grube et al. In addition, with respect to Applicant's arguments with regard to speed or direction and the like, note the references above.

With respect to the arguments on page 20, claim 11, if one wants to find the closest device, the option is to display the map or not. In addition, note Grube et al. and closest route.

With respect to a dating profile (claim 13) on page 22, the references show profiles or customer records. A profile is a profile. With respect to one dating service interacting together, such appears to be nothing more than two businesses agreeing to work together for a perceived advantage.

With respect to claim 14, page 22, please note the references in this case and other references cited in your many co-pending applications.

With respect to claims 16 and 17, note the use of a new reference.

With respect to claim 18, page 24, note also at least paragraphs 0027, 0087 of Sheha et al.

With respect to claim 19, at least one alert is shown. To show multiple alerts would only be duplicative.

With respect to claim 20, access codes are password and logins.

Applicant argues that the examiner is using too many references to reject the claims and therefore, the claimed limitations are not obvious and should be allowed.

In response to Applicant's argument that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection

does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).

Conclusion

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. Note the Abstracts and Figs. of the additional references cited on the accompanying 892.

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

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Deane whose telephone number is 571-272-

7484. The examiner can normally be reached on Monday - FRIDAY from 9:00 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The official fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. However, unofficial faxes can be direct to the examiners computer at 571 273 - 7484.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

06Jan2015

/William J Deane/

Primary Examiner, Art Unit 2652

Notice of References Cited	Application/Control No. 11/834,674	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.	
	Examiner WILLIAM DEANE JR	Art Unit 2652	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-6,765,528 B2	07-2004	Tranchina; James R.	G01S5/0009	342/357.31
*	B	US-6,462,674 B2	10-2002	Ohmura; Hiroshi	G08G1/0969	340/901
*	C	US-6,879,836 B2	04-2005	Nakamoto; Yusho	G01C21/20	340/991
*	D	US-7,010,110 B2	03-2006	Jorasch; James A.	H04M1/2535	379/201.01
	E	US-				
	F	US-				
	G	US-				
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11834674	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	2614

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
455	456.1	06May2009	WJD
	415		
	457		
	435		
	404.1		
	Updated the prior search	25Mar2010	WJD
	Updated the prior search	06Dec2010	WJD
	Updated the search above	12Sep2011	WJD
	Updated the search above	06Sep2013	WJD
	Updated the search above	25Jun2014	WJD
	Updated the search above	05Apr2015	WJD
	Updated the search above	06Jan2015	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11834674	MULLEN, JEFFREY D.
	Examiner	**Art Unit**
	William J Deane	2614

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

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	06/06/2009	03/25/2010	12/06/2010	09/12/2011	09/06/2013	06/25/2014	04/05/2015	01/06/2016	
	1	✓	✓	✓	-	-	-	-	-	
	2	✓	✓	✓	-	-	-	-	-	
	3	✓	✓	✓	✓	✓	✓	✓	✓	
	4	✓	✓	✓	✓	✓	✓	✓	✓	
	5	✓	✓	✓	✓	✓	✓	✓	✓	
	6	✓	✓	✓	✓	✓	✓	✓	✓	
	7	✓	✓	✓	✓	✓	✓	✓	✓	
	8	✓	✓	✓	✓	✓	✓	✓	✓	
	9	✓	✓	✓	✓	✓	✓	✓	✓	
	10	✓	✓	✓	✓	✓	✓	✓	✓	
	11	✓	✓	✓	✓	✓	✓	✓	✓	
	12	✓	✓	✓	✓	✓	✓	✓	✓	
	13	✓	✓	✓	✓	✓	✓	✓	✓	
	14	✓	✓	✓	✓	✓	✓	✓	✓	
	15	✓	✓	✓	✓	✓	✓	✓	✓	
	16	✓	✓	✓	✓	✓	✓	✓	✓	
	17	✓	✓	✓	✓	✓	✓	✓	✓	
	18	✓	✓	✓	✓	✓	✓	✓	✓	
	19	✓	✓	✓	✓	✓	✓	✓	✓	
	20	✓	✓	✓	✓	✓	✓	✓	✓	

Doc code: RCEX
Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (10-08)
Approved for use through 11/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

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

Application Number	11834674	Filing Date	2007-08-06	Docket Number (if applicable)	JDM/002 CON4	Art Unit	2652
First Named Inventor	Jeffrey D. Mullen			Examiner Name	William J Deane Jr		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ☐ Other _____

☒ Enclosed

- ☒ Amendment/Reply
- ☐ Information Disclosure Statement (IDS)
- ☐ Affidavit(s)/ Declaration(s)
- ☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

☒ **The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**
The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 503855

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Patent Practitioner Signature

X Applicant Signature

Doc code: RCEX
Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (10-08)
Approved for use through 11/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Applicant Signature			
Applicant 1		Remove	
Signature	/Jeffrey D. Mullen/	Date (YYYY-MM-DD)	2016-07-08
Name	Jeffrey D. Mullen		
Click ADD for additional Applicant Signature		Add	

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

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

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

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

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

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

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

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

SMALL ENTITY
JDM/002 CON4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Jeffrey D. Mullen
Application No.	:	11/834,674
Confirmation No.	:	1117
Filed	:	August 6, 2007
For	:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
Group Art Unit	:	2614
Examiner	:	William Deane Jr.

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

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July 8, 2016

REPLY TO OFFICE ACTION

Sir:

This is in Reply to the Office Action dated January 8, 2016. A three-month extension of time and a Request for Continued Examination is applicable hereto and submitted herewith. In Reply to the Office Action, applicant amends the application as follows:

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

Remarks begin on page 10 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled)

3. (currently amended) A method comprising:

creating on a first wireless telephonic device a multiple entry list including a plurality of users, wherein each one of said plurality of users is associated to a different one of a plurality of wireless telephonic devices;

allowing transmission of location information associated to said first wireless telephonic device to said multiple entry list, wherein said allowance is provided to, and stored on, a remote server;

receiving at said remote server said location information and storing said location information; and

providing said location information to at least one of said plurality of users on said multiple entry list by providing said location information to said different wireless telephonic device associated to the provided at least one users.

4. (currently presented) A method comprising:

selecting a first alert listing ~~area~~ from a plurality of alert listings ~~areas~~ on a first wireless device;

requesting to be alerted on said ~~a~~ first wireless device when a second wireless device enters said ~~a~~ first area;

obtaining a location of said second wireless device;

determining whether said location is in a ~~said~~ first area;

determining whether said second wireless device has provided said first wireless device with permission to obtain information associated with said location of said second wireless device; and

providing an alert to said first wireless device if said location is in said first area and if said second wireless device has provided said first wireless device with permission to obtain information associated with said location of said second wireless device.

5. (previously presented) The method of claim 4, wherein a positioning system is utilized to provide said location.

6. (currently amended) A system comprising:

a first wireless telephone;

a second wireless telephone; and

a server located remotely from said first and second wireless telephones, wherein said server receives and stores a first location representative of the location of said first wireless telephone, said server receives and stores a second location representative of the location of said second wireless telephone, said server receives and stores a first permission from said first wireless telephone for said second wireless telephone to receive

location information associated with said first location according to a first level of location access from several levels of location access selectable from ~~provided on~~ a first graphical interface on said first wireless telephone after selecting said second wireless telephone on a second graphical interface on said first wireless telephone, and said server sends said location information to said second wireless telephone after verifying said first permission.

7. (currently amended) A system comprising:

a first wireless telephone;

a stationary computer, wherein said stationary computer receives manual input to identify a user profile and provide a password for said user profile; and

a server located remotely from said first and second wireless telephones, wherein said server receives and stores a first location representative of the location of said first wireless telephone, said server receives and stores a first permission from said first wireless telephone for said user profile to receive location information associated with said first location, and said server sends said location information to said stationary computer after verifying said first permission and identifying said user profile associated with said stationary computer.

8. (currently amended) A method comprising:

providing a first level of access for information associated with a location of a first wireless device to a second wireless device by said first wireless device on a first graphical interface on said first wireless device after selecting said second wireless device on a second

graphical interface on said first wireless device, wherein said first graphical interface includes selectable options;

providing a second level of access for information associated with said location to a third wireless device by said first wireless device;

storing said first level of access and said second level of access on a remote server, wherein said first and second level of access are different; and

providing said information to said second wireless device in accordance with said first level of access; and

providing said information to said third wireless device in accordance with said second level of access.

9. (previously presented) A method comprising:

allowing a device to locate a first wireless device in accordance with access information stored on a remote server by said first wireless device;

locating said first wireless device a plurality of times and determining a travel speed based on said locating;

utilizing said travel speed and an assumed route to determine an estimated arrival time of said first wireless device to a destination; and

providing said estimated arrival time to said device.

10. (previously presented) A method comprising:

allowing a device to locate a plurality of wireless devices based on access information for said device provided by said plurality of wireless devices,

wherein said access information is stored on a remote server;

determining a travel speed for at least one of said plurality of wireless devices;

utilizing said travel speed to determine an arrival time to a destination; and

displaying on said device the location of said plurality of wireless devices on a map on said device.

11. (previously presented) A method comprising:

allowing a device to locate a plurality of wireless devices based on access information provided by said plurality of wireless devices, wherein said access information is stored on a remote server; and

providing an option of finding the closest one of said plurality of wireless devices to said device.

12. (previously presented) A method comprising:

providing a display screen on a first wireless telephonic device for said first wireless telephonic device to request the location of a different wireless device, wherein a telephone number is operable to be entered on said display screen;

entering said telephone number on said display screen, wherein said telephone number is associated with said different wireless device;

requesting on said different wireless device that said different wireless device provides access information for said first wireless telephonic device; and

storing said access information on a remote server.

13. (previously presented) A method comprising:

determining whether a looking for profile of a first dating service user matches a profile of a second dating service user;

alerting said first dating service user of said second dating service user, wherein a first location of a first wireless telephonic device of said first dating service user and a second location of said second wireless telephonic device of said second service user are utilized in determining to provide said alert and said first and second locations are stored on a remote server; and

requesting access to a form of communication between said first and second dating service users.

14. (previously presented) A method comprising:

determining the location of a first wireless device by a second wireless device in accordance with location access information stored on a remote server for said second wireless device by said first wireless device; and

utilizing the location of said second wireless device and the location of said first wireless device to determine the distance between said first and second wireless devices, wherein said distance is displayed on said second wireless device and a directional indicia is displayed on said second wireless device to indicate the location of said first wireless device relative to the location of said second wireless device.

15. (previously presented) A method comprising:

determining the location of a first wireless device by a second wireless device in accordance with

location access information stored on a remote server for said second wireless device by said first wireless device; and

utilizing the location of said second wireless device and said first wireless device to determine the shortest path between said first and second wireless devices, wherein said shortest path is displayed on said second wireless device.

16. (previously presented) A method comprising:

determining the location of a first wireless device by a second device in accordance with location access information stored on a remote server for said second device by said first wireless device;

determining that the location of a first wireless device is on a type of travel;

determining an assumed route for a destination utilizing said determination that the location of a first wireless device is on said type of travel; and

estimating an arrival time for said destination utilizing said determined assumed route, wherein said estimated arrival time is displayed on said second device.

17. (previously presented) The method of claim 16, wherein said type of travel is driving.

18. (previously presented) A method comprising:

providing a list of users on a first wireless telephonic device;

providing a highlight window for selecting one of said list of users on said first wireless telephonic device;

selecting, using said highlight window, one of said users from said list of users; and

providing a display screen on said first wireless device for selecting location access rights for said selected user with respect to the location of said first wireless telephonic device.

19. (previously presented) A method comprising:

providing a display screen on a first device for selecting a plurality of location alerts for a second wireless device; and

alerting said device in accordance with said selected location alert.

20. (previously presented) A method comprising:

utilizing a login and a password entered on a first wireless telephonic device to determine an identity of said first wireless telephonic device and the location of said identity based on the location of said first wireless telephonic device;

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

utilizing said identity to determine whether said first wireless telephonic device is allowed to access the location of said second wireless telephonic device, wherein said access is provided by said second device and is stored remotely; and

determining whether to provide the location of said second wireless telephonic device to said first wireless telephonic device based on said access.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-20 are pending.

The Examiner rejected claims 4-5 and 16-17 under 35 U.S.C. 112(a).

The Examiner rejected claims 3-7 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (hereinafter "Barclay et al.") in view of Application No. 2001/0048364 (hereinafter “Kahlthoff”)

The Examiner rejected claim 8 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of U.S. Patent Application No. 2003/0069692 (hereinafter “Krasner et al.”).

The Examiner rejected claim 9 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates U.S. Patent Application No. 20090029717 (hereinafter “Bates”).

The Examiner rejected claims 10-13 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube U.S. Patent Application No. 6,885,874 (hereinafter “Grube”)

The Examiner rejected claims 14-15 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert U.S. Patent Application No. 2002/0102989 (hereinafter “Calvert et al.”).

The Examiner rejected claims 16-17 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view

of Bates and further in view of Grube and further in view of Calvert and further in view of Tranchina U.S. Patent No. 6,765,528 (hereinafter "Tranchina").

The Examiner rejected claims 18-19 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert and further in view of U.S. Patent Application No. 2004/0054428 (hereinafter Sheha et al.).

The Examiner rejected claim 20 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert and further in view of Sheha in view of U.S. Patent No. 7,072,956 (hereinafter "Parupudi") or in the alternative to Meadows U.S. Patent No. 6,716,101 (hereinafter "Meadows") or in the alternative Ganesh U.S. Patent No. 7,013,148 (hereinafter "Ganesh").

Summary of Applicant's Amendments

Applicant has amended claims 3, 4, 5, 6, 7, 8, without prejudice and solely in order to expedite prosecution.

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

Applicant's Response to the 35 U.S.C. 112

The Examiner rejected claims 4-5 and 16-17 under 35 U.S.C. 112(a), first paragraph.

The Examiner rejected claim 4 for including a "plurality of areas." Solely in order to expedite prosecution, and without prejudice, applicant has amended claim 4. Applicant has included an alert listings from a plurality of alert listings. *See* applicant's spec., paragraphs 65 and 66.

Applicant notes that applicant previously amended claim 16 without prejudice and solely in order to expedite prosecution. The Examiner appears to have removed the arguments of the rejection in light of the amendment, but the claims have not been removed from the rejection.

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

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

Claim 3

Claims 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kahlthoff.

The Examiner stated:

> "An individual name is a list, it's a list of one. In addition, note FIG. 1 Kalthoff. Note also Col. 3, lines 12-29 of Barclay" (Office Action, page 10).

The Examiner's argument is irrelevant as applicant's claim includes a list including a plurality of users. Without prejudice and solely in order to expedite prosecution, applicant has amended claim 3 to include a multiple entry list. A list is not one. A list is a series of more than one. There is no list of one – only one.

For at least this reason, applicant respectfully requests that the Examiner's rejection of claim 3 be withdrawn.

Furthermore, applicant's claim 3 includes creating a list and allowing transmission of location information to the list. Kahlthoff's FIG. 16A does not show or suggest such a feature. Kahlthoff merely alleges enabling friend alerts for individual names. Kahlthoff is silent on creating a list and allowing location information to be send to the list. An individual name is not a list.

For at least this reason, applicant respectfully requests that the Examiner's rejection of claim 3 be withdrawn.

Furthermore, neither Barclay nor Kahlthoff, used either alone or in combination, show or suggest claim 3 that includes storing an allowance of location information to a list on a remote server.

In light of the above-identified reasons, applicant respectfully requests that the Examiner's rejection of claim 3, and any claims dependent therefrom, be withdrawn.

Claims 4 and 5

Claim 4-5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kahlthoff.

Kahlthoff alleges a "pre-determined area." *See* Kahltoff, paragraph 50. Solely without prejudice and in order to expedite prosecution, applicant has amended claim 4 to include selecting and alert listing from a plurality of alert listings on a wireless device. Neither Kahlthoff nor Barclay, used either alone or in combination, show or suggest such feature.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 4 and 5, and any claims dependent therefrom, be withdrawn.

Furthermore, Kahlthoff describes a family account with parents monitoring children. *See* Kahltoff, paragraph 47. The account is allegedly "pre-programmed." *See* Kahltoff, paragraph 13. The account is established at the "data processing system." *See* Kahltoff, paragraph 47. The Examiner stated that "Even if the Examiner accepted Applicant's position, such would still be at least obvious." (Office Action, page 11). The Examiner must provide documentary evidence that shows each and every element of applicant's claim. The Examiner cannot, in hindsight, merely state that a feature is obvious. Accordingly, applicant invokes his right to have the Examiner provide documentary evidence showing the missing feature and provide an acceptable combination without changing the operation or eviscerating the spirit of the Kahlthoff device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 4 and 5, and any claims dependent therefrom, be withdrawn.

Claim 6

Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kahlthoff.

The Examiner stated that Barclay does not discuss:

> "the use of a graphical interface." (Office Action, page 5)

The Examiner holds, however, that "as broadly claimed, still reads on the Barclay reference" (Office action, page 11).

Applicant's claim, however, includes a first graphical interface and a second graphical interface. The first graphical interface is provided after selecting on a second graphical interface. Without prejudice and solely in order to expedite prosecution, applicant has amended claim 6 to include selectable from the first graphical interface. Accordingly, the first and second graphical user interfaces have include selectable features.

Barclay – which does not show a graphical interface – also does not show two graphical interfaces with selectable features, the relation between the two interfaces, and the features associated with the graphical interfaces.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 6, and any claims dependent therefrom, be withdrawn.

Claim 7

Claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kahlthoff.

Claim 7 provides a stationary computer that receives manual input to identify a user profile and identifying the user profile associated with this stationary computer. In Kahlthoff and Barclay, alleged portable devices are fixed to a person (e.g., a child). Such a portable device is not a stationary computer for receiving manual input to identify a user profile – let alone claim 7 that includes a server that sends location information to the stationary computer associated with the

identified user profile after a first permission is verified.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 7, and any claims dependent therefrom, be withdrawn.

Furthermore, solely to expedite prosecution and without prejudice applicant has amended claim 7 to include receives manual input to identify a user profile and provide a password for said user profile. None of the references, used either alone or in combination, show or suggest the features of claim 7.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 7, and any claims dependent therefrom, be withdrawn.

Claim 8

Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner.

For clarity, applicant directs the Examiner's attention to applicant's arguments for the patentability of claim 6. As suggested above, neither Barclay nor Kalthoff, used either alone or in combination, show or suggest applicant's invention of claim 8 that includes providing a first level of access for information associated with a location of a first wireless device to a second wireless device by said first wireless device on a first graphical interface on said first wireless device after selecting said second wireless device on a second graphical interface on said first wireless device. Krasner does not correct for the deficiency of Barclay and Kalthoff. None of the references show or suggest any of the features of the two

graphical interfaces, the interaction of the two graphical interfaces, and the providing of a first level of access on a first interface after selecting a second wireless device on a second interface on the first wireless device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 8, and any claims dependent therefrom, be withdrawn.

Applicant has amended claim 8 without prejudice and solely in order to expedite prosecution. None of the reference, used either alone or in combination show or suggest applicant's claim 8 that includes wherein said first graphical interface includes selectable options.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 8, and any claims dependent therefrom, be withdrawn.

Claim 9

Claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates Bates.

Furthermore, the Examiner stated:

> "Barlay et al./Kalthoff et al./Krasner et al. do not explicitly disclose speed and the direction of travel, however, note that Bates et al. teach such at paragraph 0045" (Office Action, page 6)

Bates merely alleges determining a rate and direction of travel (*See* Bates, paragraph 45).

A rate and direction of travel is not an arrival time to a destination.

None of the references, used either alone or in combination, correct for this deficiency.

Furthermore, without prejudice and solely in order to expedite prosecution, applicant has amended the claim to include an assumed route to determine an estimated arrival time of said first wireless device to a destination and providing said estimated arrival time to said device. The estimated arrival time for the first wireless device is provided to the device and utilizes the travel speed and assumed route.

Accordingly, none of the references, used either alone or in combination, show or suggest applicant's invention of claim 9 includes determining a travel speed and utilizing the travel speed to determine an arrival time to a destination.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 9, and any claims dependent therefrom, be withdrawn.

Claim 10

Claims 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube.

The Examiner stated:

> "Grube … teach the claimed limitations at Col. 5 … - Col. 7…." (Office Action, page 7)

Grube, however, alleges a group service for groups such as emergency groups for responding to the event through a dispatch call.

Applicant previously amended claim 10 without prejudice and solely in order to expedite prosecution to include utilizing a travel speed to determine an arrival time to a destination.

None of the references, used either alone or in combination, show or suggest such a feature. Applicant turns the Examiner's attention to applicant's arguments for the patentability of claim 9.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 10, and any claims dependent therefrom, be withdrawn.

Claim 11

Claims 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube.

Applicant had previously amended the claim to include providing an option of finding the closest one.

The user, however, finding the closest device by seeing the map is not applicant's claim of providing an option of finding the closest one of said plurality of wireless devices to said device.

Just because a television set may display a picture of a bird that is blue does not mean the television set knows it is showing a bird that is blue.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 11, and any claims dependent therefrom, be withdrawn.

Claim 12

Claims 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube.

None of the prior art, used either alone or in combination, shows or suggests claim 12 that includes providing a display screen on a first wireless telephonic device for said first wireless telephonic device to request the location of a different wireless device and entering said telephone number on said display screen – let alone requesting on the different wireless device that said different wireless device provides access information for said first wireless telephonic device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 12, and any claims dependent therefrom, be withdrawn.

Claim 13

Claims 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube.

Furthermore, the Examiner stated:

> "a provide is a profile. With respect to one dating service interacting together, such appears to be nothing more than a business agreeing to work together for a perceived advantage" (Office Action, page 11)

Applicant's claim 13 does not just include a profile or dating feature, which is not even obvious and applicant invokes his right to require Examiner to provide documentary proof that is combinable with any references needed to show applicant's claim 13.

Applicant's claim 13 includes a profile of a first dating service user matches a profile of a second dating service user, alerting said first dating service user of said second dating service user, and requesting

access to a form of communication between said first and second dating service users.

Applicant's claim has a different structure and a different function and includes a structure with increased whimsicle and festive nature. Applicant's claim is patentable. None of the references, used either alone or in combination, include any dating features – let alone the numerous dating features provided in claim 13.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 11, and any claims dependent therefrom, be withdrawn.

Claim 14

Claims 14-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert.

Calvert is irrelevant. Calvert does not provide a system based on location access information. Accordingly, Calvert is inoperable to be combined. However, without prejudice and solely in order to expedite prosecution, applicant previously amended claim 14 to include a distance and directional indicia.

None of the references, used either alone or in combination, show or suggest claim 14 that includes a distance and a directional indicia that is displayed on said second wireless device to indicate the location of said first wireless device relative to the location of said second wireless device.

In accordance with the foregoing, applicant respectfully requests that the rejections of claim 14 be withdrawn.

Claim 15

Claims 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert.

Grube merely discusses, however, a user "snapping" the user's route to a closest route of another user. A user "snapping" the user's route to a closest route of another user is not the shortest path or displaying the shortest path. For example, the hypotenuse of a triangle defined by two routes may be the shortest path – not snapping a route to the closest route. Furthermore, a user "snapping" is not displaying.

Accordingly, none of the references, used either alone or in combination, show or suggest applicant's invention of claim 15 that location access information stored on a remote server for said second wireless device by said first wireless device and utilizing the location of said second wireless device and said first wireless device to determine the shortest path between said first and second wireless devices, wherein said shortest path is displayed on said second wireless device.

In accordance with the foregoing, applicant respectfully requests that the rejections of claim 15 be withdrawn.

Claims 16 and 17

The Examiner rejected claims 16-17 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert and further in view of Tranchina U.S. Patent No. 6,765,528 (hereinafter "Tranchina").

Without prejudice and solely in order to expedite prosecution, applicant previously amended claim 16 to include determining that the location of a first wireless device is on a type of travel, determining ~~a~~ an assumed route for a destination utilizing said determination that the location of a first wireless device is on said type of travel, and estimating an arrival time for said destination utilizing said determined assumed route, wherein said estimated arrival time is displayed on the second device.

Tranchina, however, is also deficient. Tranchina does not show or suggest applicant's amended claim 16 of determining an assumed route. A distance and a direction of travel is not an assumed route.

None of the references, used either alone or in combination, show or suggest such a feature. Applicant's specification includes ample teachings on the utilization of types of roads. For example, applicant directs the Examiner's attention to paragraph 12 of applicant's specification.

In accordance with the foregoing, applicant respectfully requests that the rejections of claims 16, and any claims dependent therefrom, be withdrawn.

Claim 18

Claims 18-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert and further in view of Sheha.

None of the references, including Sheha, however, shows or suggests applicant's invention of claim 18 of providing a highlight window for selecting one of the list of users on the first wireless telephonic device.

Similarly, none of the references, including Sheha shows or suggests applicant's invention of claim 18 of selecting, using the highlight window, one of the users from the list of users.

Sheha merely includes dragging and dropping – and doing so in an unrelated system.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 18, and any claims dependent therefrom, be withdrawn.

Claim 19

Claims 18-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert and further in view of Sheha.

Applicant respectfully submits that the Examiner's requirement of seven references actually only serves to show the patentability of applicant's claim 19. Furthermore, the Examiner's combination of seven references does not even show or suggest the features of claim 19.

None of the references, used either alone or in combination, shows or suggests claim 19 of providing a

display screen on a first device for selecting a plurality of location alerts for a second wireless device and alerting said device in accordance with said selected location alert.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 19, and any claims dependent therefrom, be withdrawn.

Claim 20

Claim 20 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert and further in view of Sheha in view of Parupudi or in the alternative to Meadows or in the alternative Ganesh.

The Examiner stated, with respect to Parupudi, to see example 10. Example 10 of Parupudi, however, merely accounts for disabling a login of one device if the devices are not in the same location.

Parupudi does not show or suggest claim 20 that includes determining an identity, by utilizing a login and password, and utilizing this identity to determine if the device is allowed to access the location.

The Examiner also stated to see FIG. 4A of Meadows. Meadows merely describes an access code for a parent to monitor a child.

Meadows does not show or suggest claim 20 that includes determining an identity, by utilizing a login and password, and utilizing this identity to determine if the device is allowed to access the location.

The Examiner also stated to see FIG. 3 of Ganesh. FIG. 3 of Ganesh merely provides a carrier's webpage with a

login ID. The web-page is preset to a telephone number. The webpage allegedly provides the location of the phone of the telephone number.

Solely to expedite prosecution and without prejudice, applicant has amended claim 20. Amended claim 20 includes, utilizing a login and a password entered on a first wireless telephonic device to determine an identity of said first wireless telephonic device and the location of said identity based on the location of said first wireless telephonic device, requesting the location of a second wireless telephonic device by said first device; utilizing said identity to determine whether said first wireless telephonic device is allowed to access the location of said second wireless telephonic device, wherein said access is provided by said second device and is stored remotely; and determining whether to provide the location of said second wireless telephonic device to said first wireless telephonic device based on said access.

None of the references, used either alone or in combination show or suggest claim 20 that includes determining an identity, by utilizing a login and password, and utilizing this identity to determine if the device is allowed to access the location and the location of said identity based on the location of the first wireless telephonic device, and requesting the location of a second wireless telephonic device by the first device.

Applicant's specification includes numerous discussions on identifying users on different devices utilizing a login and password. For example, applicant turns the Examiner's attention to paragraphs 14 and 16.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 20, and any claims dependent therefrom, be withdrawn.

Rejections in view of Official Notice

Many of the rejections made by the Examiner appear to have been rejected in view of Official Notice. Any rejection that does not show each and every element of a claim in one or more references is an inadequate rejection.

For rejections under 35 U.S.C. § 103(a), the Examiner has the burden of showing each and every element of applicant's invention in the prior art combination. If the Examiner is taking Official Notice, MPEP § 2144.03 requires that the facts of which notice are being taken be capable of instant and unquestionable demonstration as being well known in the art. *See In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). Applicant believes that the "facts" of which the Examiner may have taken Official Notice do not meet that standard, and invoke his right under MPEP § 2144.03 to have the Examiner provide documentary proof that those facts are actually well known.

The Examiner "cannot simply reach conclusions based on its own understanding or experience – or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affadavit or

declaration setting forth factual statements and explanation to such a finding. *See* MPEP 2144.03(c).

The Examiner cannot make rejections using a reference or combination of references where the references do not show each and every element of a particular claim. Applicant respectfully requests that the Examiner withdraw any rejections that do not show the inclusion of each and every element of a particular claim in a reference or a combination of references.

Conclusion

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

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

Respectfully Submitted,

/Jeffrey D. Mullen/

Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
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2212 Hassinger Lane
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Electronic Patent Application Fee Transmittal

Application Number:	11834674
Filing Date:	06-Aug-2007
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Filer:	Jeffrey David Mullen
Attorney Docket Number:	JDM/002 CON4

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 3 months with $0 paid	2253	1	700	700
Miscellaneous:				
RCE- 2nd and Subsequent Request	2820	1	850	850
		Total in USD ($)		**1550**

Electronic Acknowledgement Receipt	
EFS ID:	26290464
Application Number:	11834674
International Application Number:	
Confirmation Number:	1117
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON4
Receipt Date:	08-JUL-2016
Filing Date:	06-AUG-2007
Time Stamp:	04:29:30
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$1550
RAM confirmation Number	6680
Deposit Account	503855
Authorized User	MULLEN, JEFFREY D.
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 CFR 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 CFR 1.17 (Patent application and reexamination processing fees)	

Charge any Additional Fees required under 37 CFR 1.19 (Document supply fees)

Charge any Additional Fees required under 37 CFR 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	JDM-002CON4--RCE.pdf	697795 bed08abbb6bb9a373645bd0497be54edb4d29de0	no	3
Warnings:					
Information:					
2		JDM-002CON4--Reply.pdf	212643 fcb1ea49ed8df6e1ac7bd294f2761d38631b2506	yes	29

Multipart Description/PDF files in .zip description

Document Description	Start	End
Amendment Submitted/Entered with Filing of CPA/RCE	1	1
Claims	2	9
Applicant Arguments/Remarks Made in an Amendment	10	29

Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32486 b16c352c2a983efbaf018a8d43f6a23ae23e9f9b	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	942924		

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.
11/834,674	08/06/2007	Jeffrey D. Mullen	JDM/002 CON4	1117

32733 7590 08/09/2016

JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

EXAMINER	
DEANE JR, WILLIAM J	

ART UNIT	PAPER NUMBER
2652	

MAIL DATE	DELIVERY MODE
08/09/2016	PAPER

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

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

Office Action Summary	Application No. 11/834,674	Applicant(s) MULLEN, JEFFREY D.	
	Examiner WILLIAM DEANE JR	Art Unit 2652	AIA (First Inventor to File) Status No

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☒ Responsive to communication(s) filed on *07/08/2016*.

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

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

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

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

Disposition of Claims*

5)☒ Claim(s) *3-20* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *3-20* is/are rejected.

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

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

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

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

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

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

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

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____.

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

4) ☐ Other: _____.

The present application is being examined under the pre-AIA first to invent provisions.

Claim Rejections - 35 USC § 103

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

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

Claims 3 - 7, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.).

With respect to claim 3, note that Barclay et al. teach determining a location of a first wireless device (FIG. 4, step 407 and paragraph 0012);

providing said location to a facility (the service provider in paragraphs 0016 and 0017);

requesting said location of said first wireless device by a second wireless device (paragraph 0020 and step 413). In addition, note Fig.5;

providing a permission by said first wireless device for said second wireless device to access location information about said location storing said permission in said facility, wherein said facility is located remotely from said first and second wireless devices (paragraph 0018 and service provider) ;

providing said location information about said location from said facility to said second wireless device in accordance with said permission (paragraph 0018).

What Barclay et al. do not disclose is the, "creating on a first wireless telephonic device a list including a plurality of users, wherein each one of said plurality of users is associated to a different one of a plurality of wireless telephonic devices." However, such is believed to be inherent in Barclay et al. If this is argued, note Fig. 16A of Kalthoff et al. It would have been obvious to one of ordinary skill in the art to have created such a list as taught by Kalthoff et al. into the Barclay et al. in order to have a more efficient system. In addition, it would have been obvious to one of ordinary skill in the art to have incorporated a multiple entry list as such would only duplicative of what the art above teach.

With respect to claim 4, note Figs. 16A and 16B and paragraph 0050 of Kalthoff et al.

With respect to claim 5, note GPS system 109 in Fig. 1 of Barclay et al. and at least paragraph 0012 of Kalthoff.

With respect to claim 6 and 7, note the rejections above. In addition, note use of profiles in at least paragraph 0016 of Barclay et al. Additionally, note the multiple records kept at data processing system 28 on paragraph 0045 of Kalthoff et al. The new limitations to claim 6 reads on paragraph 0016 of Barclay et al. The only thing that is not explicitly taught by Barclay et al is the use of a graphical user interface. However, a fair reading of paragraph 0016 shows that such is inherent in Barclay et al. If that is argued, then it would have been obvious to one of ordinary skill in the art to have incorporated such a graphical interface whenever and wherever it was deemed

necessary. Displaying information inputted or stored on a device is well-known in the art. Using one interface or two would be considered an obvious design choice. The use of a password or PIN when dealing with profiles is notoriously old in the art and would have been obvious to one of ordinary skill in the art to use such to keep the profiles secure.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.).

With respect to claim 8, note the rejections above and paragraph 0014 -0016 of Barclay et al. with regard to access levels. If this is not agreed, note Fig. 5, elements 505, 506 and 507 of Krasner et al. It would have been obvious to one of ordinary skill in the art to have incorporated the access levels as disclosed by Krasner et al. into Barclay et al./Kalthoff et al. system, as such would only entail the substitution of one known set of access levels for another. One graphical interface or multiple graphical interfaces would have been obvious to one of ordinary skill in the art as an obvious design choice. In addition, the use of selectable options on a graphical interface is notoriously old in the art. Note the art above and the other art on previous 892s.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.) and U.S. Patent Application No. 2009/0029717 (Bates) . and further in view of U.S. Patent No. 6,765,528 (Tranchina et al.).

With respect to claims 9, Barclay et al./Kalthoff et al./Krasner et al. do not explicitly disclose speed and direction of travel, however, note that Bates et al. teach such at paragraph 0045. It would have been obvious to have incorporated such speed and directions as taught by Bates et al. into the Barclay et al./Kalthoff et al./Krasner et al. system in order to have a more efficient map for a user. In addition, note further with respect to claim 9, paragraph 0014 of Barclay et al. and paragraph 0014 of Kalthoff et al. Note also col. 5, lines 21 – 37 and Col. 8, lines 37 – 57 of Tranchina et al. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Tranchina et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al. system as such would only involve manipulating data that already known by the system.

Claims 10 -13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.) and U.S. Patent Application No. 2009/0029717 (Bates) and U.S Patent No. 6,885,874 (Grube et al.).
Note that Barclay discloses maps (see paragraphs 0017 and 0022). In addition, note

Fig. 12 of Kalthoff et al. and paragraph 0044 of Krasner et al. However, Grube et al. explicitly teach the claimed limitations. Grube et al. teach the claimed limitations at Col. 5, lines 2 - 4, Col. 6, lines 14 - 26 and Col. 6, line 59 - Col. 7, line 6 and Col. 16, lines 11 - 26. It would have been obvious to one of ordinary skill in the art to have incorporated such limitations as disclosed by Grube et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al. system in order to have a more efficient map system.

With respect to claim 11, such a limitation would have been obvious in light of the maps disclosed in the references above. One would only need to see the device on the map to know which device was the closest.

With respect to claim 12, such a limitation would be obvious in light of the references cited above.

With respect to claim 13, note that Bates et al. discloses the use of profiles at paragraph 0022 and note use of profiles in at least paragraph 0016 of Barclay et al. Additionally, note the multiple records kept at data processing system 28 in paragraph 0045 of Kalthoff et al.

A dating profile would have been obvious to one of ordinary skill in the art as such would only entail the substitution or addition of one known profile or group for another.

Claims 14 – 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent

Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.) and U.S. Patent Application No. 2009/0029717 (Bates) and U.S Patent No. 6,885,874 (Grube et al.) and U.S. Patent Application No. 2002/0102989 (Calvert et al.).

With respect to claim 14, the limitations are taught by the references noted above.

With respect to the distance between devices, note the Abstract of Kalthoff et al. and see Figs. 3 – 3F. If this is argued, note paragraphs 0052 and 0060 of Calvert et al. It would have been obvious to one of ordinary skill in the art to have incorporated the ability to determine the distance between devices as taught by Calvert et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al. system as such would only involve manipulating data that is already known by the system.

With respect to claim 15, note Col. 22, line 7 – 11 of Grube et al.

Claims 16 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.) and U.S. Patent Application No. 2009/0029717 (Bates) and U.S Patent No. 6,885,874 (Grube et al.) and U.S. Patent Application No. 2002/0102989 (Calvert et al.) and further in view of U.S. Patent No. 6,765,528 (Tranchina et al.).

With respect to claim 16, note paragraph 0014 of Barclay et al. and paragraph 0014 of Kalthoff et al. and Col. 6, lines 33 – 58 of Grube et al. Note also col. 5, lines 21

– 37 and Col. 8, lines 37 – 57 of Tranchina et al. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Tranchina et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert system as such would only involve manipulating data that already known by the system.

With respect to claim 17, note the rejections above and Col. 8, lines 58 – 64 of Tranchina et al.

Claims 18 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.) and U.S. Patent Application No. 2009/0029717 (Bates) and U.S Patent No. 6,885,874 (Grube et al.) and U.S. Patent Application No. 2002/0102989 (Calvert et al.) and U.S. Patent Application No. 2004/0054428 (Sheha et al.).

Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al. teach the claimed limitations as shown above except for the use of highlights; however, Sheha et al. teach that such is old in the art (see paragraph 0106 of Sheha et al.). It would have been obvious to one of ordinary skill in the art to have incorporated such selection means as highlighting as taught by Sheha et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al. device in order to make it easier in selecting from the list.

With respect to claim 19, such limitations would have been obvious to one of ordinary skill in the art in light of the references and rejections above.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.) and U.S. Patent Application No. 2009/0029717 (Bates) and U.S Patent No. 6,885,874 (Grube et al.) and U.S. Patent Application No. 2002/0102989 (Calvert et al.) and U.S. Patent Application No. 2004/0054428 (Sheha et al.) and further in view of U.S. Patent No. 7,072,956 (Parupudi et al.) or in the alternative U.S. Patent No. 6,716,101 (Meadows et al.) or alternatively U.S. Patent No. 7,013,148 (Ganesh et al.)

Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al./Sheha et al. teach the claimed limitations except for the login aspects. However, note that Parupudi et al. teach such login aspects (see example 10). It would have been obvious to one of ordinary skill in the art to have incorporated such login aspects as taught by Parupudi et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al./Sheha et al. system in order to provide better security.

In the alternative, note Fig. 4A of Meadows et al. It would have been obvious to one of ordinary skill in the art to have incorporated such login aspects as taught by Meadows et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al./Sheha et al. system in order to provide better security.

Alternatively, note Fig 3 of Ganesh et al. It would have been obvious to one of ordinary skill in the art to have incorporated such login aspects as taught by Ganesh et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al./Sheha et al. system in order to provide better security.

Response to Arguments

Note the additional information above with respect to the amended claims.

In addition, Applicant says that claims 3 – 8 are amended. However, it appears that claim 5 was not amended.

With respect to arrival times, Bates has the information to determine an arrival time and it would only take an obvious small programming change in order to display an arrival time depending on a route.

Applicant's other arguments have previously been addressed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Deane whose telephone number is 571-272-7484. The examiner can normally be reached on Monday - FRIDAY from 9:00 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The official fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. However, unofficial faxes can be direct to the examiners computer at 571 273 - 7484.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

07Aug2016

/William J Deane/

Primary Examiner, Art Unit 2652

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11834674	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	2614

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

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	06/06/2009	03/25/2010	12/06/2010	09/12/2011	09/06/2013	06/25/2014	04/05/2015	01/06/2016	08/07/2016
	1	✓	✓	✓	-	-	-	-	-	-
	2	✓	✓	✓	-	-	-	-	-	-
	3	✓	✓	✓	✓	✓	✓	✓	✓	✓
	4	✓	✓	✓	✓	✓	✓	✓	✓	✓
	5	✓	✓	✓	✓	✓	✓	✓	✓	✓
	6	✓	✓	✓	✓	✓	✓	✓	✓	✓
	7	✓	✓	✓	✓	✓	✓	✓	✓	✓
	8	✓	✓	✓	✓	✓	✓	✓	✓	✓
	9	✓	✓	✓	✓	✓	✓	✓	✓	✓
	10	✓	✓	✓	✓	✓	✓	✓	✓	✓
	11	✓	✓	✓	✓	✓	✓	✓	✓	✓
	12	✓	✓	✓	✓	✓	✓	✓	✓	✓
	13	✓	✓	✓	✓	✓	✓	✓	✓	✓
	14	✓	✓	✓	✓	✓	✓	✓	✓	✓
	15	✓	✓	✓	✓	✓	✓	✓	✓	✓
	16	✓	✓	✓	✓	✓	✓	✓	✓	✓
	17	✓	✓	✓	✓	✓	✓	✓	✓	✓
	18	✓	✓	✓	✓	✓	✓	✓	✓	✓
	19	✓	✓	✓	✓	✓	✓	✓	✓	✓
	20	✓	✓	✓	✓	✓	✓	✓	✓	✓

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11834674	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	2614

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
455	456.1	06May2009	WJD
	415		
	457		
	435		
	404.1		
	Updated the prior search	25Mar2010	WJD
	Updated the prior search	06Dec2010	WJD
	Updated the search above	12Sep2011	WJD
	Updated the search above	06Sep2013	WJD
	Updated the search above	25Jun2014	WJD
	Updated the search above	05Apr2015	WJD
	Updated the search above	06Jan2015	WJD
	Updated the search above	07Aug2015	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

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

SMALL ENTITY
JDM/002 CON4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Jeffrey D. Mullen
Application No.	:	11/834,674
Confirmation No.	:	1117
Filed	:	August 6, 2007
For	:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
Group Art Unit	:	2614
Examiner	:	William Deane Jr.

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

Pittsburgh, PA 15116
February 9, 2017

REPLY TO OFFICE ACTION

Sir:

This is in Reply to the Office Action dated August 9, 2016. A three-month extension of time is applicable hereto and submitted herewith. In Reply to the Office Action, applicant amends the application as follows:

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

Remarks begin on page 10 of this paper.

Electronic Patent Application Fee Transmittal

Application Number:	11834674
Filing Date:	06-Aug-2007
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Filer:	Jeffrey David Mullen
Attorney Docket Number:	JDM/002 CON4

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 3 months with $0 paid	2253	1	700	700
Miscellaneous:				
		Total in USD ($)		**700**

Electronic Acknowledgement Receipt	
EFS ID:	28310463
Application Number:	11834674
International Application Number:	
Confirmation Number:	1117
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON4
Receipt Date:	09-FEB-2017
Filing Date:	06-AUG-2007
Time Stamp:	12:50:22
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$700
RAM confirmation Number	020917INTEFSW12512100
Deposit Account	503855
Authorized User	Jeffrey Mullen
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.16 (National application filing, search, and examination fees) 37 CFR 1.17 (Patent application and reexamination processing fees)	

37 CFR 1.19 (Document supply fees)

37 CFR 1.20 (Post Issuance fees)

37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		JDM-002CON4--Reply.pdf	221613 12dad42b9394bff743baed1034858d5603350d44	yes	32

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Applicant Arguments/Remarks Made in an Amendment	11	32
	Claims	2	10
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1

Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30773 8b4245d43d8a5db23d5d4f92097203d40568d67d	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	252386		

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.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-20 are pending.

The Examiner rejected claims 4-5 and 16-17 under 35 U.S.C. 112(a).

The Examiner rejected claims 3-7 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (hereinafter "Barclay et al.") in view of Application No. 2001/0048364 (hereinafter “Kalthoff”)

The Examiner rejected claim 8 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of U.S. Patent Application No. 2003/0069692 (hereinafter “Krasner et al.”).

The Examiner rejected claim 9 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates U.S. Patent Application No. 20090029717 (hereinafter “Bates”) and further in view of Tranchina et al. U.S. Patent No. 6,765,528 (hereinafter “Tranchina”).

The Examiner rejected claims 10-13 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube U.S. Patent Application No. 6,885,874 (hereinafter “Grube”)

The Examiner rejected claims 14-15 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert U.S. Patent Application No. 2002/0102989 (hereinafter “Calvert et al.”).

The Examiner rejected claims 16-17 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of

Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert and further in view of Tranchina U.S. Patent No. 6,765,528 (hereinafter "Tranchina").

The Examiner rejected claims 18-19 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert and further in view of U.S. Patent Application No. 2004/0054428 (hereinafter Sheha et al.).

The Examiner rejected claim 20 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert and further in view of Sheha in view of U.S. Patent No. 7,072,956 (hereinafter "Parupudi") or in the alternative to Meadows U.S. Patent No. 6,716,101 (hereinafter "Meadows") or in the alternative Ganesh U.S. Patent No. 7,013,148 (hereinafter "Ganesh").

Summary of Applicant's Amendments

Applicant has amended claims 3, 4, and 6-20 without prejudice and solely in order to expedite prosecution.

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

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

Claim 3

Claims 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kahlthoff.

The Examiner previously stated:

> "An individual name is a list, it's a list of one. In addition, note FIG. 1 Kalthoff. Note also Col. 3, lines 12-29 of Barclay" (Office Action, page 10).

Without prejudice and solely in order to expedite prosecution, applicant previously amended claim 3 to include a multiple entry list.

The Examiner now states:

> "It would have been obvious to one of ordinary skill in the art to have incorporated a multiple entry list as such would only duplicative of what the art above teach." (Office Action, page 3).

Applicant's claim does not just have the single feature of a list or a multiple entry list. Applicant's claim 3 includes creating a multiple entry list and allowing transmission of location information to the multiple entry list.

Furthermore, applicant, solely in order to expedite prosecution and without prejudice amended claim 3 where the list is operable to be modified by the first wireless device and removing on said first wireless telephonic device said allowance of the transmission of location information associated with said first wireless telephonic device to said multiple entry list.

Kahlthoff's FIG. 16A does not show or suggest such a feature. Kahlthoff merely alleges enabling friend alerts for individual names. Kahlthoff is silent on

applicant's claim of creating a multiple entry list and allowing location information to be send to the multiple entry list. An individual name is not a list – let alone a list of the features of applicant's claim 3.

Barclays does not correct this deficiency. Barclay does not show or suggest providing an allowance and removing an allowance for location information for a device to a multiple entry list that is created and is operable to be modified.

Accordingly, none of the references, used either alone or in combination, show or suggest applicant's claim 3. For at least this reason, applicant respectfully requests that the Examiner's rejection of claim 3 be withdrawn.

In light of the above-identified reasons, applicant respectfully requests that the Examiner's rejection of claim 3, and any claims dependent therefrom, be withdrawn.

Claims 4-5

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

Kalthoff alleges a "pre-determined area." *See* Kaltoff, paragraph 50.

Solely without prejudice and in order to expedite prosecution, applicant previously amended claim 4 to include selecting an alert listing from a plurality of alert listings on a wireless device.

The Examiner stated "note FIG. 16A and 16B…"

FIG. 16A and 16B do not show or suggest selecting an alert listing from a plurality of alert listings. FIG. 16A and 16B allege enabling individual entities.

Regardless, solely in order to expedite prosecution and without prejudice, applicant has amended claim 5 to include wherein a first one of said plurality of location alert listings is associated with said second wireless device entering a first location area and a second one of said plurality of location alert listings is associated with said second wireless device entering a second location area.

Neither Kahlthoff nor Barclay, used either alone or in combination, show or suggest such feature.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 4 and 5, and any claims dependent therefrom, be withdrawn.

Claim 6

Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kahlthoff.

The Examiner stated that Barclay does not discuss:

> "the use of a graphical interface." (Office Action, page 5)

The Examiner holds, however, that "it would have been obvious to one of ordinary skill in the art to have incorporated such a graphical interface whenever and wherever it was deemed necessary" (Office action, page 11).

Applicant's claim is not just a single feature of a "graphical interface."

For example, applicant's claim 6 includes order – the order of selecting levels of location access on a first graphical interface after selecting a second telephone on said second graphical interface. Applicant's features are not just an "interface" as the Examiner contentds.

Any element that provides a structural and functional difference is patentably distinct. A particular interface may completely change any number of things such as the way a consumer utilizes a device, remove the need for software, increase the time a consumer utilizes a device, etc. The Examiner's references are devices of very limited functionality and capability. In fact, their configuration directly teaches away from applicant's interfaces.

Accordingly, Applicant invokes his right to require the Examiner to provide references. For rejections under 35 U.S.C. § 103(a), the Examiner has the burden of showing each and every element of applicant's invention in the prior art combination. If the Examiner is taking Official Notice, MPEP § 2144.03 requires that the facts of which notice are being taken be capable of instant and unquestionable demonstration as being well known in the art. *See In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). Applicant believes that the "facts" of which the Examiner may have taken Official Notice do not meet that standard, and invoke his right under MPEP § 2144.03 to have the Examiner provide documentary proof that those facts are actually well known.

Applicant's claim, however, includes a first graphical interface and a second graphical interface. The first graphical interface is provided after selecting on a second graphical interface.

Without prejudice and solely in order to expedite prosecution, applicant has previously amended claim 6 to include selecting levels of location access after selecting on a second graphical interface a second telephone from a plurality of telephones.

Barclay – which does not show a graphical interface – also does not show two graphical interfaces with selectable features, the relation between the two interfaces, and the features associated with the graphical interfaces.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 6, and any claims dependent therefrom, be withdrawn.

Claim 7

Claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kahlthoff.

Claim 7 provides a stationary computer that receives manual input to identify a user profile and identifying the user profile associated with this stationary computer.

In Kahlthoff and Barclay, alleged portable devices are fixed to a person (e.g., a child). Such a portable device is not a stationary computer for receiving manual input to identify a user profile – let alone claim 7 that includes a server that sends location information to the stationary computer associated with the identified user profile after a first permission is verified.

Accordingly, Applicant invokes his right to require the Examiner to provide references to the above features with a stationary computer with the above features. For rejections under 35 U.S.C. § 103(a), the Examiner has the burden of showing each and every element of applicant's invention in the prior art combination. If the Examiner is taking Official Notice, MPEP § 2144.03 requires that the facts of which notice are being taken be capable of instant and unquestionable demonstration as

being well known in the art. *See In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). Applicant believes that the "facts" of which the Examiner may have taken Official Notice do not meet that standard, and invoke his right under MPEP § 2144.03 to have the Examiner provide documentary proof that those facts are actually well known.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 7, and any claims dependent therefrom, be withdrawn.

Furthermore, solely to expedite prosecution and without prejudice applicant has amended claim 7 to include receives manual input to identify a user profile and provide a password for said user profile. None of the references, used either alone or in combination, show or suggest the features of claim 7.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 7, and any claims dependent therefrom, be withdrawn.

Claim 8

Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner.

For clarity, applicant directs the Examiner's attention to applicant's arguments for the patentability of claim 6.

As suggested above, neither Barclay nor Kalthoff, used either alone or in combination, show or suggest applicant's invention of claim 8 that includes providing a first level of access for information associated with a location of a first wireless device to a second wireless device by said first wireless device on a first graphical

interface on said first wireless device after selecting said second wireless device on a second graphical interface on said first wireless device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 8, and any claims dependent therefrom, be withdrawn.

Applicant has amended claim 8 without prejudice and solely in order to expedite prosecution. None of the reference, used either alone or in combination show or suggest applicant's claim 8 that includes wherein said first graphical interface includes selectable options.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 8, and any claims dependent therefrom, be withdrawn.

Claim 9

Claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates Bates and further in view of Tranchina.

Furthermore, the Examiner stated:

> "Barlay et al./Kalthoff et al./Krasner et al. do not explicitly disclose speed and the direction of travel, however, note that Bates et al. teach such at paragraph 0045" (Office Action, page 6)

Moveover, the Examiner stated:

> "Bates has the information to determine an arrival time and it would only take an obvious small programming change in order to display an arrival time depending on route"
> (Office Action, page 6)

Display an arrival time is not determining an arrival time. The Examiner's also silent on applicant's

feature of an assumed route. Arrival times can be determined in a number of ways using a number of different types of data. The Examiner provides rejections with large numbers of references and none provide applicant's features.

Bates merely alleges determining a rate and direction of travel (*See* Bates, paragraph 45).

A rate and direction of travel is not an arrival time to a destination.

None of the references, used either alone or in combination, correct for this deficiency.

The Examiner's statements are not at the time of applicant's invention. Applicant invokes his right to require the Examiner to provide documentary proof of applicant's claimed invention that includes an arrival time. For rejections under 35 U.S.C. § 103(a), the Examiner has the burden of showing each and every element of applicant's invention in the prior art combination. If the Examiner is taking Official Notice, MPEP § 2144.03 requires that the facts of which notice are being taken be capable of instant and unquestionable demonstration as being well known in the art. *See In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). Applicant believes that the "facts" of which the Examiner may have taken Official Notice do not meet that standard, and invoke his right under MPEP § 2144.03 to have the Examiner provide documentary proof that those facts are actually well known.

Furthermore, without prejudice and solely in order to expedite prosecution, applicant had previously amended the claim to include an assumed route to determine an estimated arrival time of said first wireless device to a destination and providing said estimated arrival time to

said device. The estimated arrival time for the first wireless device is provided to the device and utilizes the travel speed and assumed route.

Accordingly, none of the references, used either alone or in combination, show or suggest applicant's invention of claim 9 includes determining a travel speed and utilizing the travel speed to determine an arrival time to a destination.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 9, and any claims dependent therefrom, be withdrawn.

Claim 10

Claims 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube.

The Examiner stated:

> "Grube … teach the claimed limitations at Col. 5 … - Col. 7…." (Office Action, page 7)

Grube, however, alleges a group service for groups such as emergency groups for responding to the event through a dispatch call.

Applicant has amended claim 10 without prejudice and solely in order to expedite prosecution to include utilizing a travel speed and an assumed rouate to determine an arrival time to a destination.

None of the references, used either alone or in combination, show or suggest such a feature. Applicant turns the Examiner's attention to applicant's arguments for the patentability of claim 9.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 10, and any claims dependent therefrom, be withdrawn.

Claim 11

Claims 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube.

Applicant had previously amended the claim to include providing an option of finding the closest one.

The user, however, finding the closest device by seeing the map is not applicant's claim of providing an option of finding the closest one of said plurality of wireless devices to said device.

Just because a television set may display a picture of a bird that is blue does not mean the television set knows it is showing a bird that is blue.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 11, and any claims dependent therefrom, be withdrawn.

Claim 12

Claims 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube.

Applicant has amended claim 12 without prejudice and solely in order to expedite prosecution.

None of the prior art, used either alone or in combination, shows or suggests claim 12 that includes providing a display screen on a first wireless telephonic

device for said first wireless telephonic device to request the location of a different wireless device and entering said telephone number on said display screen – let alone requesting on the different wireless device that said different wireless device provides access information for said first wireless telephonic device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 12, and any claims dependent therefrom, be withdrawn.

Claim 13

Claims 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube.

Applicant has amended claim 13 without prejudice and solely in order to expedite prosecution.

Furthermore, the Examiner stated:

> "a provide is a profile. With respect to one dating service interacting together, such appears to be nothing more than a business agreeing to work together for a perceived advantage" (Office Action, page 11)

Applicant's claim 13 does not just include a profile or dating feature, which is not even obvious and applicant invokes his right to require Examiner to provide documentary proof that is combinable with any references needed to show applicant's claim 13.

Applicant's claim 13 includes a profile of a first dating service user matches a profile of a second dating service user, alerting said first dating service user of said second dating service user, and requesting

access to a form of communication between said first and second dating service users.

Applicant's claim has a different structure and a different function and includes a structure with increased whimsicle and festive nature. Applicant's claim is patentable. None of the references, used either alone or in combination, include any dating features – let alone the numerous dating features provided in claim 13.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 11, and any claims dependent therefrom, be withdrawn.

Claim 14

Claims 14-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert.

Applicant has amended claim 14 without prejudice and solely in order to expedite prosecution.

Calvert is irrelevant. Calvert does not provide a system based on location access information. Accordingly, Calvert is inoperable to be combined. However, without prejudice and solely in order to expedite prosecution, applicant previously amended claim 14 to include a distance and directional indicia.

None of the references, used either alone or in combination, show or suggest claim 14 that includes a distance and a directional indicia that is displayed on said second wireless device to indicate the location of said first wireless device relative to the location of said second wireless device.

In accordance with the foregoing, applicant respectfully requests that the rejections of claim 14 be withdrawn.

Claim 15

Claims 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert.

Applicant has amended claim 15 without prejudice and solely in order to expedite prosecution.

Grube merely discusses, however, a user "snapping" the user's route to a closest route of another user. A user "snapping" the user's route to a closest route of another user is not the shortest path or displaying the shortest path. For example, the hypotenuse of a triangle defined by two routes may be the shortest path – not snapping a route to the closest route. Furthermore, a user "snapping" is not displaying.

Accordingly, none of the references, used either alone or in combination, show or suggest applicant's invention of claim 15 that location access information stored on a remote server for said second wireless device by said first wireless device and utilizing the location of said second wireless device and said first wireless device to determine the shortest path between said first and second wireless devices, wherein said shortest path is displayed on said second wireless device.

In accordance with the foregoing, applicant respectfully requests that the rejections of claim 15 be withdrawn.

Claims 16 and 17

The Examiner rejected claims 16-17 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert and further in view of Tranchina U.S. Patent No. 6,765,528 (hereinafter "Tranchina").

Applicant has amended claims 16 and 17 without prejudice and solely in order to expedite prosecution.

Without prejudice and solely in order to expedite prosecution, applicant previously amended claim 16 to include determining that the location of a first wireless device is on a type of travel, determining ~~a~~ an assumed route for a destination utilizing said determination that the location of a first wireless device is on said type of travel, and estimating an arrival time for said destination utilizing said determined assumed route, wherein said estimated arrival time is displayed on the second device.

Tranchina, however, is also deficient. Tranchina does not show or suggest applicant's amended claim 16 of determining an assumed route. A distance and a direction of travel is not an assumed route.

None of the references, used either alone or in combination, show or suggest such a feature. Applicant's specification includes ample teachings on the utilization of types of roads. For example, applicant directs the Examiner's attention to paragraph 12 of applicant's specification.

In accordance with the foregoing, applicant respectfully requests that the rejections of claims 16, and any claims dependent therefrom, be withdrawn.

Claim 18

Claims 18-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert and further in view of Sheha.

Applicant has amended claim 18 without prejudice and solely in order to expedite prosecution.

None of the references, including Sheha, however, shows or suggests applicant's invention of claim 18 of providing a highlight window for selecting one of the list of users on the first wireless telephonic device.

Similarly, none of the references, including Sheha shows or suggests applicant's invention of claim 18 of selecting, using the highlight window, one of the users from the list of users.

Sheha merely includes dragging and dropping – and doing so in an unrelated system.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 18, and any claims dependent therefrom, be withdrawn.

Claim 19

Claims 18-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert and further in view of Sheha.

Applicant has amended claim 19 without prejudice and solely in order to expedite prosecution.

Applicant respectfully submits that the Examiner's requirement of seven references actually only serves to show the patentability of applicant's claim 19. Furthermore, the Examiner's combination of seven references does not even show or suggest the features of claim 19.

None of the references, used either alone or in combination, shows or suggests claim 19 of providing a display screen on a first device for selecting a plurality of location alerts for a second wireless device and alerting said device in accordance with said selected location alert.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 19, and any claims dependent therefrom, be withdrawn.

Claim 20

Claim 20 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Krasner and further in view of Bates and further in view of Grube and further in view of Calvert and further in view of Sheha in view of Parupudi or in the alternative to Meadows or in the alternative Ganesh.

Applicant has amended claim 20 without prejudice and solely in order to expedite prosecution.

The Examiner stated, with respect to Parupudi, to see example 10. Example 10 of Parupudi, however, merely accounts for disabling a login of one device if the devices are not in the same location.

Parupudi does not show or suggest claim 20 that includes determining an identity, by utilizing a login and

password, and utilizing this identity to determine if the device is allowed to access the location.

The Examiner also stated to see FIG. 4A of Meadows. Meadows merely describes an access code for a parent to monitor a child.

Meadows does not show or suggest claim 20 that includes determining an identity, by utilizing a login and password, and utilizing this identity to determine if the device is allowed to access the location.

The Examiner also stated to see FIG. 3 of Ganesh. FIG. 3 of Ganesh merely provides a carrier's webpage with a login ID. The web-page is preset to a telephone number. The webpage allegedly provides the location of the phone of the telephone number.

Solely to expedite prosecution and without prejudice, applicant has amended claim 20. Amended claim 20 includes, utilizing a login and a password entered on a first wireless telephonic device to determine an identity of said first wireless telephonic device and the location of said identity based on the location of said first wireless telephonic device, requesting the location of a second wireless telephonic device by said first device; utilizing said identity to determine whether said first wireless telephonic device is allowed to access the location of said second wireless telephonic device, wherein said access is provided by said second device and is stored remotely; and determining whether to provide the location of said second wireless telephonic device to said first wireless telephonic device based on said access.

None of the references, used either alone or in combination show or suggest claim 20 that includes determining an identity, by utilizing a login and password,

and utilizing this identity to determine if the device is allowed to access the location and the location of said identity based on the location of the first wireless telephonic device, and requesting the location of a second wireless telephonic device by the first device.

Applicant's specification includes numerous discussions on identifying users on different devices utilizing a login and password. For example, applicant turns the Examiner's attention to paragraphs 14 and 16.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 20, and any claims dependent therefrom, be withdrawn.

Rejections in view of Official Notice

Many of the rejections made by the Examiner appear to have been rejected in view of Official Notice. Any rejection that does not show each and every element of a claim in one or more references is an inadequate rejection.

For rejections under 35 U.S.C. § 103(a), the Examiner has the burden of showing each and every element of applicant's invention in the prior art combination. If the Examiner is taking Official Notice, MPEP § 2144.03 requires that the facts of which notice are being taken be capable of instant and unquestionable demonstration as being well known in the art. *See In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). Applicant believes that the "facts" of which the Examiner may have taken Official Notice do not meet that standard, and invoke his right under MPEP § 2144.03 to have the Examiner provide documentary proof that those facts are actually well known.

The Examiner "cannot simply reach conclusions based on its own understanding or experience – or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affadavit or declaration setting forth factual statements and explanation to such a finding. *See* MPEP 2144.03(c).

The Examiner cannot make rejections using a reference or combination of references where the references do not show each and every element of a particular claim. Applicant respectfully requests that the Examiner withdraw any rejections that do not show the inclusion of each and every element of a particular claim in a reference or a combination of references.

Conclusion

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

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

Respectfully Submitted,

/Jeffrey D. Mullen/

Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
2212 Hassinger Lane
Glenshaw, PA 15116
Tel.: (914) 837-7741

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled)

3. (currently amended) A method comprising:

creating on a first wireless telephonic device a multiple entry list including a plurality of users, wherein each one of said plurality of users is associated to a different one of a plurality of wireless telephonic devices and said plurality of users on said multiple entry list is operable to be modified by said first wireless telephonic device;

allowing on said first wireless telephonic device, transmission of location information associated with ~~to~~ said first wireless telephonic device to said multiple entry list, wherein said allowance is provided to, and stored on, a remote server;

receiving at said remote server said location information and storing said location information~~; and~~

providing said location information, as a result of said allowance, to at least one of said plurality of users on said multiple entry list by providing said location information to said different wireless telephonic device associated to the provided at least one users; and

removing on said first wireless telephonic device said allowance of the transmission of location information associated with said first wireless telephonic device to said multiple entry list.

.

4. (currently amended) A method comprising:

selecting a first location alert listing for a second wireless device from a plurality of location alert listings on a first wireless device, wherein a first one of said plurality of location alert listings is associated with said second wireless device entering a first location area and a second one of said plurality of location alert listings is associated with said second wireless device entering a second location area;

~~requesting to be alerted on said first wireless device when a second wireless device enters said first area;~~

obtaining a location of said second wireless device;

determining whether said location is in ~~a~~ said first location area;

determining whether said second wireless device has provided said first wireless device with permission to obtain information associated with said location of said second wireless device; and

providing an alert to said first wireless device if said location is in said first location area and if said second wireless device has provided said first wireless device with permission to obtain information associated with said location of said second wireless device.

5. (previously presented) The method of claim 4, wherein a positioning system is utilized to provide said location.

6. (currently amended) A system comprising:

a first wireless telephone;

a second wireless telephone; and

a server located remotely from said first and second wireless telephones, wherein said server receives and stores a first location representative of the location of said first wireless telephone, said server receives and stores a second location representative of the location of said second wireless telephone, said server receives and stores a first permission from said first wireless telephone for said second wireless telephone to receive location information associated with said first location according to a first level of location access from several levels of location access selectable from a first graphical interface on said first wireless telephone after selecting said second wireless telephone on a second graphical interface on said first wireless telephone from a plurality of wireless telephones, and said server sends said location information to said second wireless telephone after verifying said first permission.

7. (currently amended) A system comprising:

a first wireless telephone;

a stationary computer, wherein said stationary computer receives manual input to identify a user profile and receives ~~provide~~ a password ~~for~~ to access said user profile; and

a server located remotely from said first and second wireless telephones, wherein said server receives and stores a first location representative of the location of said first wireless telephone, said server receives and

stores a first permission from said first wireless telephone for said user profile to receive location information associated with said first location, and said server sends said location information to said stationary computer after verifying said first permission and identifying said user profile associated with said stationary computer.

8. (currently amended) A method comprising:

providing a first level of location access for information associated with a location of a first wireless device to a second wireless device by said first wireless device on a first graphical interface on said first wireless device after selecting said second wireless device on a second graphical interface from a plurality of wireless devices on said first wireless device, wherein said first graphical interface includes a plurality of selectable levels of location access ~~selectable options~~;

~~providing a second level of access for information associated with said location to a third wireless device by said first wireless device;~~

storing said first level of access ~~and said second level of access~~ on a remote server~~, wherein said first and second level of access are different~~; and

providing said information to said second wireless device in accordance with said first level of access~~; and~~

~~providing said information to said third wireless device in accordance with said second level of access~~.

9. (currently amended) A method comprising:

allowing a device to locate a first wireless device in accordance with access information stored on a remote server, wherein said access information was provided by said first wireless device;

locating said first wireless device a plurality of times and determining a travel speed based on said locating;

utilizing said travel speed and an assumed route to determine an estimated arrival time of said first wireless device to a destination; and

providing said estimated arrival time to said device.

10. (currently amended) A method comprising:

allowing a device to locate a plurality of wireless devices based on access information for said device provided by each one of said plurality of wireless devices, wherein said access information is stored on a remote server;

determining a travel speed for at least one of said plurality of wireless devices;

utilizing said travel speed and an assumed route to determine an arrival time to a destination; and

displaying on said device the location of said plurality of wireless devices on a map on said device.

11. (currently amended) A method comprising:

allowing a device to locate a plurality of wireless devices based on access information provided by each one of said plurality of wireless devices, wherein said access information is stored on a remote server; and

providing an option to said device of finding the closest one of said plurality of wireless devices to said device.

12. (currently amended) A method comprising:

providing a display screen on a first wireless telephonic device for said first wireless telephonic device to request the location of a different wireless device~~,~~ ~~wherein a telephone number is operable to be entered on said display screen~~;

entering a ~~said~~ telephone number on said display screen, wherein said telephone number is associated with said different wireless device;

requesting on said different wireless device that said different wireless device provides access information for said first wireless telephonic device; and

storing said access information on a remote server.

13. (currently amended) A method comprising:

determining whether a looking for profile of a first dating service user matches a profile of a second dating service user;

alerting said first dating service user of said second dating service user, wherein a first location of a first wireless telephonic device of said first dating service user and a second location of said second wireless telephonic device of said second service user are utilized in said determining ~~to provide said alert~~ and said first and second locations are stored on a remote server; and

requesting access to a form of communication between said first and second dating service users from

said first dating service user. ~~users.~~

14. (currently amended) A method comprising:

determining the location of a first wireless device by a second wireless device in accordance with location access information stored on a remote server for said second wireless device by said first wireless device; and

utilizing the location of said second wireless device and the location of said first wireless device to determine the distance between said first and second wireless devices, wherein said distance is displayed on a display screen of said second wireless device and a directional indicia is displayed on said display screen ~~second wireless device~~ to indicate the location of said first wireless device relative to the location of said second wireless device.

15. (currently amended) A method comprising:

determining the location of a first wireless device by a second wireless device in accordance with location access information stored on a remote server for said second wireless device by said first wireless device; and

utilizing the location of said second wireless device and said first wireless device to determine the shortest path between said first and second wireless devices, wherein said shortest path is displayed on a display screen of said second wireless device.

16. (currently amended) A method comprising:

determining the location of a first wireless

device by a second device in accordance with location access information stored on a remote server for said second device by said first wireless device;

determining that the location of a first wireless device is on a type of travel;

determining an assumed route for a destination utilizing said determination that the location of a first wireless device is on said type of travel; and

estimating an arrival time for said destination utilizing said determined assumed route and a travel speed, wherein said estimated arrival time is displayed on said second device.

17. (previously presented) The method of claim 16, wherein said type of travel is driving.

18. (currently amended) A method comprising:

providing a list of users on a first wireless telephonic device;

providing a highlight window for selecting one of said list of users on said first wireless telephonic device;

selecting, using said highlight window, one of said users from said list of users; and

providing a display screen on said first wireless device for selecting location access rights from a plurality of location access rights for said selected user with respect to the location of said first wireless telephonic device.

19. (currently amended) A method comprising:

providing a display screen on a first device for

selecting one of a plurality of location alerts for a second wireless device, wherein at least two of said plurality of location alerts are associated with a different location area; and

alerting said device in accordance with said selected location alert.

20. (currently amended) A method comprising:

utilizing a login and a password entered on first wireless telephonic device to determine an identity of said first wireless telephonic device and the location of said identity based on the location of said first wireless telephonic device;

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

utilizing said identity to determine whether said first wireless telephonic device is allowed to access the location of said second wireless telephonic device, wherein said access is provided by said second device and is stored remotely; and

determining whether to provide the location of said second wireless telephonic device to said first wireless telephonic device based on said access; and

providing the location of aid second wireless telephonic device to said first telephonic wireless device based on said determination.

PTO/SB/06 (09-11)
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/834,674	Filing Date 08/06/2007	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT	02/09/2017	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 18	Minus	** 20	= 0	X $40 =	0
	Independent (37 CFR 1.16(h))	* 16	Minus	***16	= 0	X $210 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	0

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

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

SLIE
SONYA HILLIARD

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/834,674	08/06/2007	Jeffrey D. Mullen	JDM/002 CON4	1117

32733 7590 05/31/2017

JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

EXAMINER	
DEANE JR, WILLIAM J	

ART UNIT	PAPER NUMBER
2652	

MAIL DATE	DELIVERY MODE
05/31/2017	PAPER

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

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

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

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
11/834,674	06 August, 2007	MULLEN, JEFFREY D.	JDM/002 CON4

		EXAMINER	
JEFFREY D. MULLEN 2212 Hassinger Lane Glenshaw, PA 15116		WILLIAM DEANE JR	
		ART UNIT	PAPER
		2652	20170527-A

DATE MAILED:

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

Commissioner for Patents

Please note the notice of Non-Responsive Amendment contained herewith.

/WILLIAM DEANE JR/
Primary Examiner, Art Unit 2652

PTO-90C (Rev.04-03)

The present application is being examined under the pre-AIA first to invent provisions.

Notice of Non-Responsive Amendment

The reply filed on 02/09/2017 is not fully responsive to the prior Office action because of the following omission(s) or matter(s): Applicant has not pointed out, with particularity, in the instant specification where support can be found for the new amended limitations. Please point out specifically where support can be found in the instant specification for the significant amended limitations.

See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given a TIME PERIOD of **TWO (2) MONTHS** from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Deane whose telephone number is 571-272-7484. The examiner can normally be reached on Monday - FRIDAY from 9:00 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The official fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. However, unofficial faxes can be direct to the examiners computer at 571 273 - 7484.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

27May2017

/WILLIAM DEANE JR/
Primary Examiner, Art Unit 2652

SMALL ENTITY
JDM/002 CON4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Jeffrey D. Mullen
Application No.	:	11/834,674
Confirmation No.	:	1117
Filed	:	August 6, 2007
For	:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
Group Art Unit	:	2614
Examiner	:	William Deane Jr.

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

Pittsburgh, PA 15116
July 31, 2017

REPLY TO OFFICE ACTION

Sir:

This is in Reply to the Notice dated May 31, 2017. In Reply to the Office Action, applicant amends the application as follows:

Remarks begin on page 2 of this paper.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-20 are pending.

The Examiner cited the previous response was a Non-Compliant Amendment for allegedly including an omission.

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. No new subject matter has been added. Applicant reserves the right to claim any subject matter lost by any amendments or cancellations during the prosecution of this application, or to claim any subject matter included in the present application, in one or more continuation or divisional applications.

The Examiner's Objection To Previous Response

The Examiner cited the previous response was a Non-Compliant Amendment for allegedly including an omission.

The Examiner requested applicant provide "the omission" (Office Action, page 2).

The Examiner stated that applicant did not provide reference to specification support to the amendments.

Applicant contends the Notice is in error. Applicant provided a full response and did not include any omissions.

Nonetheless, without prejudice and solely in order to expedite prosecution, applicant provides the requested specification support.

Applicant's specification include numerous support for the claim amendments. Applicant provides herewith examples of such specification support. Applicant contends that the claims must be afforded their broadest possible scope and in no way should be limited to any specific citation.

With respect to claim 3, applicant's specification includes numerous areas of specification support for the claim amendments. As per just a few examples, applicant draws the Examiner's attention to at least paragraphs 16 and 90 and association teachings. Claim 3 must be afforded its broadest possible scope.

With respect to claim 4, applicant's specification includes numerous areas of specification support for the claim amendments. As per just a few examples, applicant draws the Examiner's attention to at least paragraphs 65, 66, and 67 and associated teachings. Claim 4 must be afforded its broadest possible scope.

With respect to claim 6, applicant's specification includes numerous areas of specification support for the claim amendments. As per just a few examples, applicant draws the Examiner's attention to at least paragraphs 63, 65, 65 and associated teachings. Claim 6 must be afforded its broadest possible scope.

With respect to claim 7, applicant's specification includes numerous areas of specification support for the claim amendments. As per just a few examples, applicant draws the Examiner's attention to at least paragraphs 68 and 70 and associated teachings. Claim 7 must be afforded its broadest possible scope.

With respect to claim 8, applicant's specification includes numerous areas of specification

support for the claim amendments. As per just a few examples, applicant draws the Examiner's attention to at least paragraphs 63, 64, and 65 and associated teachings. Claim 8 must be afforded its broadest possible scope.

With respect to claim 9, applicant's specification includes numerous areas of specification support for the claim amendments. As per just a few examples, applicant draws the Examiner's attention to at least paragraphs 40-45 and 83-88 and associated teachings. Claim 9 must be afforded its broadest possible scope.

With respect to claim 10, applicant's specification includes numerous areas of specification support for the claim amendments. As per just a few examples, applicant draws the Examiner's attention to at least paragraphs 12 and 56 and associated teachings. Claim 10 must be afforded its broadest possible scope.

With respect to claim 11, applicant's specification includes numerous areas of specification support for the claim amendments. As per just a few examples, applicant draws the Examiner's attention to at least paragraphs 40-45 and 83-88 and associated teachings. Claim 11 must be afforded its broadest possible scope.

With respect to claim 12, applicant's specification includes numerous areas of specification support for the claim amendments. As per just a few examples, applicant draws the Examiner's attention to at least paragraphs 63, 64, and 65 and associated teachings. Claim 12 must be afforded its broadest possible scope.

With respect to claim 13, applicant's specification includes numerous areas of specification support for the claim amendments. As per just a few examples, applicant draws the Examiner's attention to at

least paragraphs 45 and 80 and associated teachings. Claim 13 must be afforded its broadest possible scope.

With respect to claim 14, applicant's specification includes numerous areas of specification support for the claim amendments. As per just a few examples, applicant draws the Examiner's attention to at least paragraphs 53 to 60 and associated teachings. Claim 14 must be afforded its broadest possible scope.

With respect to claim 15, applicant's specification includes numerous areas of specification support for the claim amendments. As per just a few examples, applicant draws the Examiner's attention to at least paragraphs 53 to 60 and associated teachings. Claim 15 must be afforded its broadest possible scope.

With respect to claim 16, applicant's specification includes numerous areas of specification support for the claim amendments. As per just a few examples, applicant draws the Examiner's attention to at least paragraphs 53 to 60 and associated teachings. Claim 16 must be afforded its broadest possible scope.

With respect to claim 18, applicant's specification includes numerous areas of specification support for the claim amendments. As per just a few examples, applicant draws the Examiner's attention to at least paragraphs 63, 64, and 65 and associated teachings. Claim 18 must be afforded its broadest possible scope.

With respect to claim 19, applicant's specification includes numerous areas of specification support for the claim amendments. As per just a few examples, applicant draws the Examiner's attention to at least paragraphs 65, 66, and 67 and associated teachings. Claim 19 must be afforded its broadest possible scope.

With respect to claim 20, applicant's specification includes numerous areas of specification support for the claim amendments. As per just a few examples, applicant draws the Examiner's attention to at least paragraphs 40-45 and 83-88 and associated teachings. Claim 20 must be afforded its broadest possible scope.

In light of the foregoing, applicant respectfully submits that the application is in condition for allowance. Applicant respectfully requests that the Examiner's rejections be withdrawn.

Conclusion

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

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

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
2212 Hassinger Lane
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Tel.: (914) 837-7741

Electronic Acknowledgement Receipt	
EFS ID:	29940948
Application Number:	11834674
International Application Number:	
Confirmation Number:	1117
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON4
Receipt Date:	31-JUL-2017
Filing Date:	06-AUG-2007
Time Stamp:	19:02:30
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		JDM-002CON4--ReplyToNotice.pdf	143670 8bbf96db9b848fffa8967da5352b2da6104c4db6	yes	6

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Applicant Arguments/Remarks Made in an Amendment	2	6
Warnings:			
Information:			
	Total Files Size (in bytes):	143670	

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.
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If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.
New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/834,674	08/06/2007	Jeffrey D. Mullen	JDM/002 CON4	1117

32733 7590 10/30/2017

JEFFREY D. MULLEN
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EXAMINER	
DEANE JR, WILLIAM J	

ART UNIT	PAPER NUMBER
2652	

MAIL DATE	DELIVERY MODE
10/30/2017	PAPER

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

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

Office Action Summary	Application No. 11/834,674	Applicant(s) MULLEN, JEFFREY D.	
	Examiner WILLIAM DEANE JR	Art Unit 2652	AIA (First Inventor to File) Status No

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☒ Responsive to communication(s) filed on *07/31/2017*.

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

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

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

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

Disposition of Claims*

5)☒ Claim(s) *3-20* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☐ Claim(s) _____ is/are rejected.

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

9)☒ Claim(s) *3-20* are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

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

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

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

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

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____.

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

4) ☐ Other: _____.

The present application is being examined under the pre-AIA first to invent provisions.

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 3, 7, 12, 18 and 20 are drawn to list, permissions and/or location access information, classified in 455/456.1.

II. Claims 4, 5 and 19 are drawn to location alerts, classified in 455/414.2 and 455/404.02.

III. Claims 6 and 8 are drawn to access levels, classified in 455/404.1 and 455/410 and 1/1.

IV. Claims 9, 10, 11, 14, 15, 16 and 17 are drawn to travel time and arrival time and locating, classified in 701/533 and 726/4 and 455/567.

V. Claim 13, is drawn to a dating service and location-based services, classified in 715/758.

Inventions I and II, III, IV and V are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because it stands alone not needing the any of the limitations of the subcombinations to determine

location permissions. The subcombinations have separate utility such as devices to determine location alerts or notifications, a device that determines access levels, a device to determine arrival and travel times or a device dedicated to dating services.

The examiner has required restriction between combination and subcombination inventions. Where applicant elects a subcombination, and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Deane whose telephone number is 571-272-7484. The examiner can normally be reached on Monday - FRIDAY from 9:00 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The official fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. However, unofficial faxes can be direct to the examiners computer at 571 273 - 7484.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

28Oct2017

/WILLIAM DEANE JR/
Primary Examiner, Art Unit 2652

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11834674	MULLEN, JEFFREY D.
	Examiner	**Art Unit**
	William J Deane	2614

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

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	06/06/2009	03/25/2010	12/06/2010	09/12/2011	09/06/2013	06/25/2014	04/05/2015	01/06/2016	10/28/2017
	1	✓	✓	✓	-	-	-	-	-	-
	2	✓	✓	✓	-	-	-	-	-	-
	3	✓	✓	✓	✓	✓	✓	✓	✓	÷
	4	✓	✓	✓	✓	✓	✓	✓	✓	÷
	5	✓	✓	✓	✓	✓	✓	✓	✓	÷
	6	✓	✓	✓	✓	✓	✓	✓	✓	÷
	7	✓	✓	✓	✓	✓	✓	✓	✓	÷
	8	✓	✓	✓	✓	✓	✓	✓	✓	÷
	9	✓	✓	✓	✓	✓	✓	✓	✓	÷
	10	✓	✓	✓	✓	✓	✓	✓	✓	÷
	11	✓	✓	✓	✓	✓	✓	✓	✓	÷
	12	✓	✓	✓	✓	✓	✓	✓	✓	÷
	13	✓	✓	✓	✓	✓	✓	✓	✓	÷
	14	✓	✓	✓	✓	✓	✓	✓	✓	÷
	15	✓	✓	✓	✓	✓	✓	✓	✓	÷
	16	✓	✓	✓	✓	✓	✓	✓	✓	÷
	17	✓	✓	✓	✓	✓	✓	✓	✓	÷
	18	✓	✓	✓	✓	✓	✓	✓	✓	÷
	19	✓	✓	✓	✓	✓	✓	✓	✓	÷
	20	✓	✓	✓	✓	✓	✓	✓	✓	÷

SMALL ENTITY
JDM/002 CON4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Jeffrey D. Mullen
Application No.	:	11/834,674
Confirmation No.	:	1117
Filed	:	August 6, 2007
For	:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
Group Art Unit	:	2614
Examiner	:	William Deane Jr.

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

Pittsburgh, PA 15116
March 30, 2018

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is in Reply to the Notice dated October 30, 2017. In Reply to the Office Action, applicant amends the application as follows:

Remarks/Arguments begin on page 2 of this paper.

Electronic Patent Application Fee Transmittal	
Application Number:	11834674
Filing Date:	06-Aug-2007
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Filer:	Jeffrey David Mullen
Attorney Docket Number:	JDM/002 CON4
Filed as Small Entity	
Filing Fees for Utility under 35 USC 111(a)	

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 3 months with $0 paid	2253	1	700	700
Miscellaneous:				
		Total in USD ($)		**700**

Electronic Acknowledgement Receipt	
EFS ID:	32212471
Application Number:	11834674
International Application Number:	
Confirmation Number:	1117
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON4
Receipt Date:	30-MAR-2018
Filing Date:	06-AUG-2007
Time Stamp:	17:13:59
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$700
RAM confirmation Number	040218INTEFSW17145600
Deposit Account	503855
Authorized User	Jeffrey Mullen
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.16 (National application filing, search, and examination fees) 37 CFR 1.17 (Patent application and reexamination processing fees)	

37 CFR 1.19 (Document supply fees)

37 CFR 1.20 (Post Issuance fees)

37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		JDM-002CON4--ReplyToRestriction.pdf	142157 5ab3d65cf2f83a27f84f06c3b72ea35dff3e3784	yes	4

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Applicant Arguments/Remarks Made in an Amendment	2	4
	Response to Election / Restriction Filed	1	1

Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30771 d2d14a485d3706c3318c9f5f2fe9c5527c43b815	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	172928		

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.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-20 are pending.

The Examiner provided a Restriction Requirement.

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. No new subject matter has been added. Applicant reserves the right to claim any subject matter lost by any amendments or cancellations during the prosecution of this application, or to claim any subject matter included in the present application, in one or more continuation or divisional applications.

The Election Requirement

The Examiner provided restriction with respect to the following Groups:

I. Claims 3, 7, 12, 18, and 20 allegedly drawn to a list, permissions and/or location access information;

II. Claims 4, 5, and 19 allegedly drawn to location alerts.

III. Claims 6 and 8 allegedly drawn to access levels.

IV. Claims 9, 10, 11, 14, 15, 16, and 17 allegedly drawn to travel time and arrival time locating;

V. Claim 13, allegedly drawn to a data service and location-based services.

The Examiner’s election requirement is improper. The Examiner has previously performed searches on, and examined, both Groups I, II, III, IV, and V on a large number of occasions. Applicant merely amended the claims to expedite prosecution for claims that were originally

presented in 2007 at the filing of this application and did not change or introduce the Groups provided by the Examiner. The Examiner is not presented with any additional or new undue burden.

As per just one example, Group V, the Examiner's dating service and location-based service group included dating services and location-based services in the originally filed claims in 2007. No additional burden exists on the Examiner. A large number of searches has been performed since 2007. Applicant's amendments do not introduce new burden or change the invention of Group V. The same is true of all the Groups.

Applicant, however, is now presented with an undue burden as the Examiner has previously performed searches on the Groups since 2007. As such, applicant respectfully requests that the Restriction Requirement be withdrawn and, as a result of this Action, reserves the right to petition, at any time, for Patent Term Adjustment and/or Patent Term Extension.

Applicant hereby elects, with traverse, Group I (claims 3, 7, 12, 18, and 20). As stated above, applicant traverses the Examiner's rejection as no undue burden is associated with examining Groups I, II, III, IV, and V.

Regardless, in an abundance of caution, applicant has elected a Group for examination – Group I (claims 3, 7, 12, 18, and 20). Applicant has therefore met the requirements of a proper response.

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

Conclusion

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

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

Respectfully Submitted,

/Jeffrey D. Mullen/

Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
2212 Hassinger Lane
Glenshaw, PA 15116
Tel.: (914) 837-7741

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/834,674	08/06/2007	Jeffrey D. Mullen	JDM/002 CON4	1117

32733 7590 04/16/2018

JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

EXAMINER	
DEANE JR, WILLIAM J	

ART UNIT	PAPER NUMBER
2652	

MAIL DATE	DELIVERY MODE
04/16/2018	PAPER

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

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Office Action Summary	Application No. 11/834,674	Applicant(s) MULLEN, JEFFREY D.	
	Examiner WILLIAM DEANE JR	Art Unit 2652	AIA (First Inventor to File) Status No

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Status

1)☒ Responsive to communication(s) filed on *03/30/2018*.

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

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

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Disposition of Claims*

5)☒ Claim(s) *3 - 20* is/are pending in the application.

5a) Of the above claim(s) *4-6, 8-11, 13-17 and 19* is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *3,7,12,18 and 20* is/are rejected.

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

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

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Application Papers

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

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Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

4) ☐ Other: _____.

The present application is being examined under the pre-AIA first to invent provisions.

The present application is being examined under the pre-AIA first to invent provisions.

Claim Rejections - 35 USC § 103

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

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

Claims 3, 7, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2004/0054428 (Sheha et al.).

With respect to claim 3, note that Barclay et al. teach determining a location of a first wireless device (FIG. 4, step 407 and paragraph 0012);

providing said location to a facility (the service provider in paragraphs 0016 and 0017);

requesting said location of said first wireless device by a second wireless device (paragraph 0020 and step 413). In addition, note Fig.5;

providing a permission by said first wireless device for said second wireless device to access location information about said location storing said permission in said facility,

wherein said facility is located remotely from said first and second wireless devices (paragraph 0018 and service provider) ;

providing said location information about said location from said facility to said second wireless device in accordance with said permission (paragraph 0018).

What Barclay et al. do not disclose is the, "creating on a first wireless telephonic device a list including a plurality of users, wherein each one of said plurality of users is associated to a different one of a plurality of wireless telephonic devices." However, such is believed to be inherent in Barclay et al. If this is argued, note Fig. 16A of Kalthoff et al. It would have been obvious to one of ordinary skill in the art to have created such a list as taught by Kalthoff et al. into the Barclay et al. in order to have a more efficient system. In addition, it would have been obvious to one of ordinary skill in the art to have incorporated a multiple entry list as such would only duplicative of what the art above teach.

With respect to the new claim language in claim 3, please note paragraphs 0012, 0013, 0024, 0025, 0027 - 0029, 0087 – 0092 and 0103 of Sheha et al. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Sheha et al. into Barclay et al./Kalthoff et al. system and method in order to accommodate more than one or two users. For example, for a team or group.

With respect to removing the location information allowance, note at least Fig. 4B. Note also that location information is held locally and/or remotely (see paragraphs of Sheha et al. noted above. Note the notification of Fig. 4 is requesting whether to

send the location information or not and the user can decline such and this is all done with the real-time communication system 150.

With respect to claim 12, such a limitation would be obvious in light of the references cited above. Specifically, note paragraph 0099 of Sheha et al. along with the other paragraphs of Sheha et al. above.

With respect to Claim 18, note paragraph 0010 of Sheha et al.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.) and U.S. Patent Application No. 2009/0029717 (Bates) and U.S Patent No. 6,885,874 (Grube et al.) and U.S. Patent Application No. 2002/0102989 (Calvert et al.) and U.S. Patent Application No. 2004/0054428 (Sheha et al.) and further in view of U.S. Patent No. 7,072,956 (Parupudi et al.) or in the alternative U.S. Patent No. 6,716,101 (Meadows et al.) or alternatively U.S. Patent No. 7,013,148 (Ganesh et al.)

Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al./Sheha et al. teach the claimed limitations except for the login aspects. However, note that Parupudi et al. teach such login aspects (see example 10). It would have been obvious to one of ordinary skill in the art to have incorporated such login aspects

as taught by Parupudi et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al./Sheha et al. system in order to provide better security.

In the alternative, note Fig. 4A of Meadows et al. It would have been obvious to one of ordinary skill in the art to have incorporated such login aspects as taught by Meadows et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al./Sheha et al. system in order to provide better security.

Alternatively, note Fig 3 of Ganesh et al. It would have been obvious to one of ordinary skill in the art to have incorporated such login aspects as taught by Ganesh et al. into the Barclay et al./Kalthoff et al./Krasner et al./Bates et al./Grube et al./Calvert et al./Sheha et al. system in order to provide better security.

In addition, the use of a login and password is notoriously old in the art to obtain permission to enter a database containing user profiles, a website, or file system and the like. Parupudi et al., Meadows and Ganesh et al. show that the use of a login, passwords, pins and the like were widely known before the time of Applicant's priority date. The references, in particularly, those used the rejection of claim 3 above do what Applicant claims except for the logging in aspects. However, the system must recognize the user is some fashion before location information is past. This could be obviously done by login and password (which is probably done initially by password or pin manually) or automatically by the system recognizing the computer or phone via MAC address or MIN number or the like. To require a login or password manually would have been obvious to one of ordinary skill in the art.

Response to Arguments

Applicant's arguments to the restriction is noted. However, the claim amendments have changed the scope of the claims and therefore a burden on the examiner.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the Abstracts and Figs. of the additional references cited on the accompanying 892.

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

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Deane whose telephone number is 571-272-7484. The examiner can normally be reached on Monday - FRIDAY from 9:00 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The official fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. However, unofficial faxes can be direct to the examiners computer at 571 273 - 7484.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

14Apr2018

/William J Deane/

Primary Examiner, Art Unit 2652

Notice of References Cited	Application/Control No. 11/834,674	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.	
	Examiner WILLIAM DEANE JR	Art Unit 2652	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-2004/0054428 A1	03-2004	Sheha, Michael A.	G01C21/3664	700/56
*	B	US-2006/0276196 A1	12-2006	Jiang; Yuen Jun	H04L12/66	455/446
*	C	US-2006/0173754 A1	08-2006	Burton; Peter A.	G06Q30/06	705/26.62
*	D	US-2006/0025158 A1	02-2006	Leblanc; Frederick W.	G01C21/206	455/456.2
*	E	US-2003/0163510 A1	08-2003	Janssen, Bob	G06F21/604	718/100
*	F	US-8,994,591 B2	03-2015	Dupray; Dennis J	G01C21/206	342/457
*	G	US-7,812,766 B2	10-2010	Leblanc; Frederick W.	G01C21/206	342/457
*	H	US-7,271,742 B2	09-2007	Sheha; Michael A.	G01C21/3664	340/995.19
*	I	US-2006/0025158 A1	02-2006	Leblanc; Frederick W.	G01C21/206	455/456.2
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11834674	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	2614

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
455	456.1	06May2009	WJD
	415		
	457		
	435		
	404.1		
	Updated the prior search	25Mar2010	WJD
	Updated the prior search	06Dec2010	WJD
	Updated the search above	12Sep2011	WJD
	Updated the search above	06Sep2013	WJD
	Updated the search above	25Jun2014	WJD
	Updated the search above	05Apr2015	WJD
	Updated the search above	06Jan2015	WJD
	Updated the search above	07Aug2015	WJD
	Updated the searches above	14Apr2018	WJD

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

SEARCH NOTES		
Search Notes	Date	Examiner

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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11834674	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	2614

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

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	06/06/2009	03/25/2010	12/06/2010	09/12/2011	09/06/2013	06/25/2014	04/05/2015	01/06/2016	04/14/2018
	1	✓	✓	✓	-	-	-	-	-	-
	2	✓	✓	✓	-	-	-	-	-	-
	3	✓	✓	✓	✓	✓	✓	✓	✓	✓
	4	✓	✓	✓	✓	✓	✓	✓	✓	N
	5	✓	✓	✓	✓	✓	✓	✓	✓	N
	6	✓	✓	✓	✓	✓	✓	✓	✓	N
	7	✓	✓	✓	✓	✓	✓	✓	✓	✓
	8	✓	✓	✓	✓	✓	✓	✓	✓	N
	9	✓	✓	✓	✓	✓	✓	✓	✓	N
	10	✓	✓	✓	✓	✓	✓	✓	✓	N
	11	✓	✓	✓	✓	✓	✓	✓	✓	N
	12	✓	✓	✓	✓	✓	✓	✓	✓	✓
	13	✓	✓	✓	✓	✓	✓	✓	✓	N
	14	✓	✓	✓	✓	✓	✓	✓	✓	N
	15	✓	✓	✓	✓	✓	✓	✓	✓	N
	16	✓	✓	✓	✓	✓	✓	✓	✓	N
	17	✓	✓	✓	✓	✓	✓	✓	✓	N
	18	✓	✓	✓	✓	✓	✓	✓	✓	✓
	19	✓	✓	✓	✓	✓	✓	✓	✓	N
	20	✓	✓	✓	✓	✓	✓	✓	✓	✓

Doc code: RCEX
Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (10-08)
Approved for use through 11/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

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

Application Number	11834674	Filing Date	2007-08-06	Docket Number (if applicable)	JDM/002 CON4	Art Unit	2652
First Named Inventor	Jeffrey D. Mullen			Examiner Name	William J Deane Jr		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ☐ Other _____

☒ Enclosed

- ☒ Amendment/Reply
- ☐ Information Disclosure Statement (IDS)
- ☐ Affidavit(s)/ Declaration(s)
- ☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

☒ **The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**
The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 503855

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Patent Practitioner Signature

X Applicant Signature

PTO/SB/30EFS (10-08)
Approved for use through 11/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Applicant Signature			
Applicant 1		Remove	
Signature	/Jeffrey D. Mullen/	Date (YYYY-MM-DD)	2018-10-16
Name	Jeffrey D. Mullen		
Click ADD for additional Applicant Signature		Add	

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

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

Privacy Act Statement

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

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

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

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

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

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

SMALL ENTITY
JDM/002 CON4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Jeffrey D. Mullen
Application No.	:	11/834,674
Confirmation No.	:	1117
Filed	:	August 6, 2007
For	:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
Group Art Unit	:	2614
Examiner	:	William Deane Jr.

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

Pittsburgh, PA 15116
October 16, 2018

REPLY TO OFFICE ACTION

Sir:

This is in Reply to the Office Action dated April 16, 2018. A three-month extension of time is and a Request for Continued Examination is applicable hereto and submitted herewith. In Reply to the Office Action, applicant amends the application as follows:

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

Remarks begin on page 10 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled)

3. (currently amended) A method comprising:

creating on a first wireless telephonic device a multiple entry list including a plurality of users, wherein each one of said plurality of users is associated to a different one of a plurality of wireless telephonic devices and said plurality of users on said multiple entry list is operable to be modified by said first wireless telephonic device;

allowing on said first wireless telephonic device, transmission of location information associated with said first wireless telephonic device to said multiple entry list, wherein said allowance is provided to, and stored on, a remote server;

receiving at said remote server said location information and storing said location information;

providing said location information, as a result of said allowance, to at least one of said plurality of users on said multiple entry list by providing said location information to said different wireless telephonic device associated to the provided at least one users; and

removing on said first wireless telephonic device said allowance of the transmission of location information associated with said first wireless telephonic device to said multiple entry list.

4. (withdrawn) A method comprising:

selecting a first location alert listing for a second wireless device from a plurality of location alert listings on a first wireless device, wherein a first one of said plurality of location alert listings is associated with said second wireless device entering a first location area and a second one of said plurality of location alert listings is associated with said second wireless device entering a second location area;

obtaining a location of said second wireless device;

determining whether said location is in ~~a~~ said first location area;

determining whether said second wireless device has provided said first wireless device with permission to obtain information associated with said location of said second wireless device; and

providing an alert to said first wireless device if said location is in said first location area and if said second wireless device has provided said first wireless device with permission to obtain information associated with said location of said second wireless device.

5. (withdrawn) The method of claim 4, wherein a positioning system is utilized to provide said location.

6. (withdrawn) A system comprising:

a first wireless telephone;

a second wireless telephone; and

a server located remotely from said first and second wireless telephones, wherein said server receives

and stores a first location representative of the location of said first wireless telephone, said server receives and stores a second location representative of the location of said second wireless telephone, said server receives and stores a first permission from said first wireless telephone for said second wireless telephone to receive location information associated with said first location according to a first level of location access from several levels of location access selectable from a first graphical interface on said first wireless telephone after selecting said second wireless telephone on a second graphical interface on said first wireless telephone from a plurality of wireless telephones, and said server sends said location information to said second wireless telephone after verifying said first permission.

7. (previously presented) A system comprising:

a first wireless telephone;

a stationary computer, wherein said stationary computer receives manual input to identify a user profile and receives a password ~~for~~ to access said user profile; and

a server located remotely from said first and second wireless telephones, wherein said server receives and stores a first location representative of the location of said first wireless telephone, said server receives and stores a first permission from said first wireless telephone for said user profile to receive location information associated with said first location, and said server sends said location information to said stationary computer after verifying said first permission and identifying said user profile associated with said

stationary computer.

8. (withdrawn) A method comprising:

providing a first level of location access for information associated with a location of a first wireless device to a second wireless device by said first wireless device on a first graphical interface on said first wireless device after selecting said second wireless device on a second graphical interface from a plurality of wireless devices on said first wireless device, wherein said first graphical interface includes a plurality of selectable levels of location access;

storing said first level of access; and

providing said information to said second wireless device in accordance with said first level of access.

9. (withdrawn) A method comprising:

allowing a device to locate a first wireless device in accordance with access information stored on a remote server, wherein said access information was provided by said first wireless device;

locating said first wireless device a plurality of times and determining a travel speed based on said locating;

utilizing said travel speed and an assumed route to determine an estimated arrival time of said first wireless device to a destination; and

providing said estimated arrival time to said device.

10. (withdrawn) A method comprising:

allowing a device to locate a plurality of wireless devices based on access information for said device provided by each one of said plurality of wireless devices, wherein said access information is stored on a remote server;

determining a travel speed for at least one of said plurality of wireless devices;

utilizing said travel speed and an assumed route to determine an arrival time to a destination; and

displaying on said device the location of said plurality of wireless devices on a map on said device.

11. (withdrawn) A method comprising:

allowing a device to locate a plurality of wireless devices based on access information provided by each one of said plurality of wireless devices, wherein said access information is stored on a remote server; and

providing an option to said device of finding the closest one of said plurality of wireless devices to said device.

12. (previously presented) A method comprising:

providing a display screen on a first wireless telephonic device for said first wireless telephonic device to request the location of a different wireless device;

entering a telephone number on said display screen, wherein said telephone number is associated with said different wireless device;

requesting on said different wireless device that said different wireless device provides access information for said first wireless telephonic device; and

storing said access information on a remote server.

13. (withdrawn) A method comprising:

determining whether a looking for profile of a first dating service user matches a profile of a second dating service user;

alerting said first dating service user of said second dating service user, wherein a first location of a first wireless telephonic device of said first dating service user and a second location of said second wireless telephonic device of said second service user are utilized in said determining and said first and second locations are stored on a remote server; and

requesting access to a form of communication between said first and second dating service users from said first dating service user.

14. (withdrawn) A method comprising:

determining the location of a first wireless device by a second wireless device in accordance with location access information stored on a remote server for said second wireless device by said first wireless device; and

utilizing the location of said second wireless device and the location of said first wireless device to determine the distance between said first and second wireless devices, wherein said distance is displayed on a display screen of said second wireless device and a directional indicia is displayed on said display screen_to indicate the location of said first wireless device relative to the location of said second wireless device.

15. (withdrawn) A method comprising:

determining the location of a first wireless device by a second wireless device in accordance with location access information stored on a remote server for said second wireless device by said first wireless device; and

utilizing the location of said second wireless device and said first wireless device to determine the shortest path between said first and second wireless devices, wherein said shortest path is displayed on a display screen of_said second wireless device.

16. (withdrawn) A method comprising:

determining the location of a first wireless device by a second device in accordance with location access information stored on a remote server for said second device by said first wireless device;

determining that the location of a first wireless device is on a type of travel;

determining an assumed route for a destination utilizing said determination that the location of a first wireless device is on said type of travel; and

estimating an arrival time for said destination utilizing said determined assumed route and a travel speed, wherein said estimated arrival time is displayed on said second device.

17. (withdrawn) The method of claim 16, wherein said type of travel is driving.

18. (previously presented) A method comprising:

providing a list of users on a first wireless telephonic device;

providing a highlight window for selecting one of said list of users on said first wireless telephonic device;

selecting, using said highlight window, one of said users from said list of users; and

providing a display screen on said first wireless device for selecting location access rights from a plurality of location access rights for said selected user with respect to the location of said first wireless telephonic device.

19. (withdrawn) A method comprising:

providing a display screen on a first device for selecting one of a plurality of location alerts for a second wireless device, wherein at least two of said plurality of location alerts are associated with a different location area; and

alerting said device in accordance with said selected location alert.

20. (previously presented) A method comprising:

utilizing a login and a password entered on first wireless telephonic device to determine an identity of said first wireless telephonic device and the location of said identity based on the location of said first wireless telephonic device;

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

utilizing said identity to determine whether said first wireless telephonic device is allowed to access the

location of said second wireless telephonic device, wherein said access is provided by said second device and is stored remotely; and

determining whether to provide the location of said second wireless telephonic device to said first wireless telephonic device based on said access; and

providing the location of aid second wireless telephonic device to said first telephonic wireless device based on said determination.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-20 are pending.

Claims 2-6, 8-11, 13-17, and 19 are withdrawn.

The Examiner rejected claims 3, 7, 12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (hereinafter "Barclay et al.") in view of Application No. 2001/0048364 (hereinafter “Kalthoff”) and further in view of Sheha et al. U.S. Patent Application No. 2004/0054428 (hereinafter “Sheha”).

The Examiner rejected claim 20 under 35 U.S.C. 103(a) as being unpatentable over:

Barclay;
in view of Kalthoff;
in view of Krasner;
in view of Bates;
in view of Grube;
in view of Calvert;
in view of Sheha; and
in view of:
Parupudi U.S. Patent No. 7,072,956 (hereinafter “Parupudi”); or in the alternative to
Meadows U.S. Patent No. 6,716,101 (hereinafter “Meadows”); or in the alternative
Ganesh U.S. Patent No. 7,013,148 (hereinafter “Ganesh”).

Summary of Applicant's Amendments

Applicant has amended claim 3 without prejudice and solely in order to expedite prosecution.

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

Sheha As Alleged Prior Art

Sheha appears to have a provisional date of March 1, 2002, while applicant's specification has a provisional date of March 25, 2002. Sheha's non-provisional was filed March 3, 2003. Accordingly, it should be noted that Sheha's non-provisional application is not, in its own right, prior art to applicant's specification.

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

The Examiner rejected claims 3, 7, 12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kalthoff and further in view of Sheha.

Claim 3

Claims 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Kahlthoff and further in view of Sheha.

The Examiner previously stated:

> "While Barclay et al. do not disclose is the, 'creating on a first wireless telephonic device a list including a plurality of users, wherein each one of said plurality of users is associated to a different one of a plurality of wireless telephonic devices.' … it would have been obvious to one of ordinary skill in the art to have created such a list as taught by Kalthoff et al. into the Barclay et al. in order to have a more efficient system" (Office Action, page 3).