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

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

Pittsburgh, PA 15232
August 20, 2007

PRELIMINARY AMENDMENT

Sir:

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

Amendments to the Specification are reflected
on page 2.

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

Remarks/Arguments begin on page 5 of this
paper.

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:

receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device;

storing by said device said location information in a storage device; and

providing said signals from said device to a second wireless telephonic device without said location information.

4. (new) A method comprising:

receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device;

storing by said device said location information in a storage device;

providing said signals from said device to a second wireless telephonic device without said location information;

receiving a request for said location information from a third wireless telephonic device, wherein access rights assigned by said first wireless telephonic device for said third wireless telephonic device are obtained and

said location information is provided to said third
wireless telephonic device based on said access rights.

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/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
731 South Negley, Apt. 2
Pittsburgh, PA 15232
Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal

Application Number:				
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Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME			
First Named Inventor/Applicant Name:	Jeffrey David Mullen			
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Attorney Docket Number:	JDM/002 CON7			
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Utility filing Fee (Electronic filing)	4011	1	75	75
Utility Search Fee	2111	1	250	250
Utility Examination Fee	2311	1	100	100
Pages:				
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Miscellaneous-Filing:				
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Post-Allowance-and-Post-Issuance:				
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Total in USD (\$)				425

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1		JDM-002-USPTOScan.pdf	1577501 c85f4fe7d9e0c5cd06ea938450707783c5fc5b19	yes	51
	Multipart Description/PDF files in .zip description				
	Document Description	Start	End		
	Specification	1	29		
	Claims	30	30		
	Abstract	31	31		
	Drawings	32	48		
	Oath or Declaration filed	49	51		
Warnings:					
Information:					
2	Application Data Sheet	JDM-002CON7-ADS.pdf	123633 cafcd8d774c6976f1126dd2bc49030b9504d1484c9	no	5
Warnings:					
Information:					
This is not an USPTO supplied ADS fillable form					
3		JDM-002CON7-Prelim.pdf	49047 ce25de432f3164b9696d200a620178aceeff7c90	yes	5
	Multipart Description/PDF files in .zip description				
	Document Description	Start	End		
	Preliminary Amendment	1	1		
	Specification	2	2		
	Claims	3	4		
	Applicant Arguments/Remarks Made in an Amendment	5	5		
Warnings:					
Information:					
4	Fee Worksheet (PTO-06)	fee-info.pdf	8403 f43a15bef424f3d051a632bb5fa9032a82f7c0a5	no	2

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

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
5 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
10 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
15 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
20 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
5 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.

10 [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
15 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
20 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
25 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,
30 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
5 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
10 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."

15 [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.

20 [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
25 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.

30 [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

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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
5 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.

10 [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
15 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
20 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
25 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
30 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

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

15 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
20 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.

30. 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

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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.

5 [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,
10 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
15 thereby be located with that cell phone or locatable device).

Brief Description of the Drawings

[0017] The principles and advantages of the present
20 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:

25 [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
30 present invention;

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

[Faint musical notation]

[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;

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

5 [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;

10 [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.

15

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
20 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
25 (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
30 114. 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.

10 [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
15 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
20 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
25 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
30 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 use 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

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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.

5 **[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, 10 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 15 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 20 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.

25 **[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 30 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

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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.

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
5 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
10 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),
15 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
20 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
25 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
30 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

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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

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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
5 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
10 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
15 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)
20 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
25 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.

30 [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

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
 5 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
 10 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,
 15 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
 20 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
 25 location. In such an instance insufficient rights
 message 801 may be prompted on display screen 800.

30 **[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.

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[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.

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[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
5 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 occurred.

[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
15 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
20 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
25 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
30 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

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[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 multiple 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 positioning 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

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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
5 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,
10 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
15 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.
20 [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
25 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
30 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

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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

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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.

5 **[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
10 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
15 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
20 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
25 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
30 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

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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,
 5 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
 10 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
 15 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
 20 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
 25 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
 30 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

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

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

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

10 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.

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

Abstract of the Disclosure

Systems and methods for locating a cellular
5 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
10 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,
15 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.

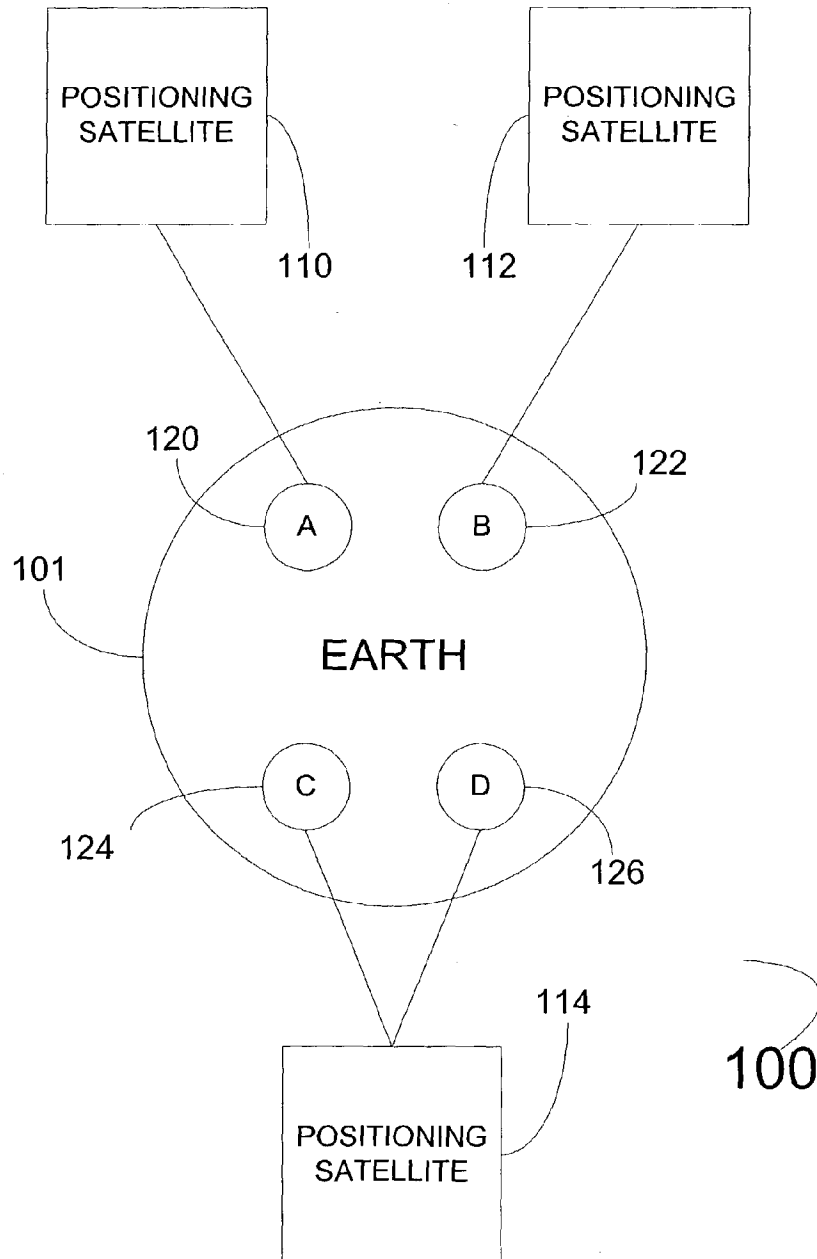


FIG. 1

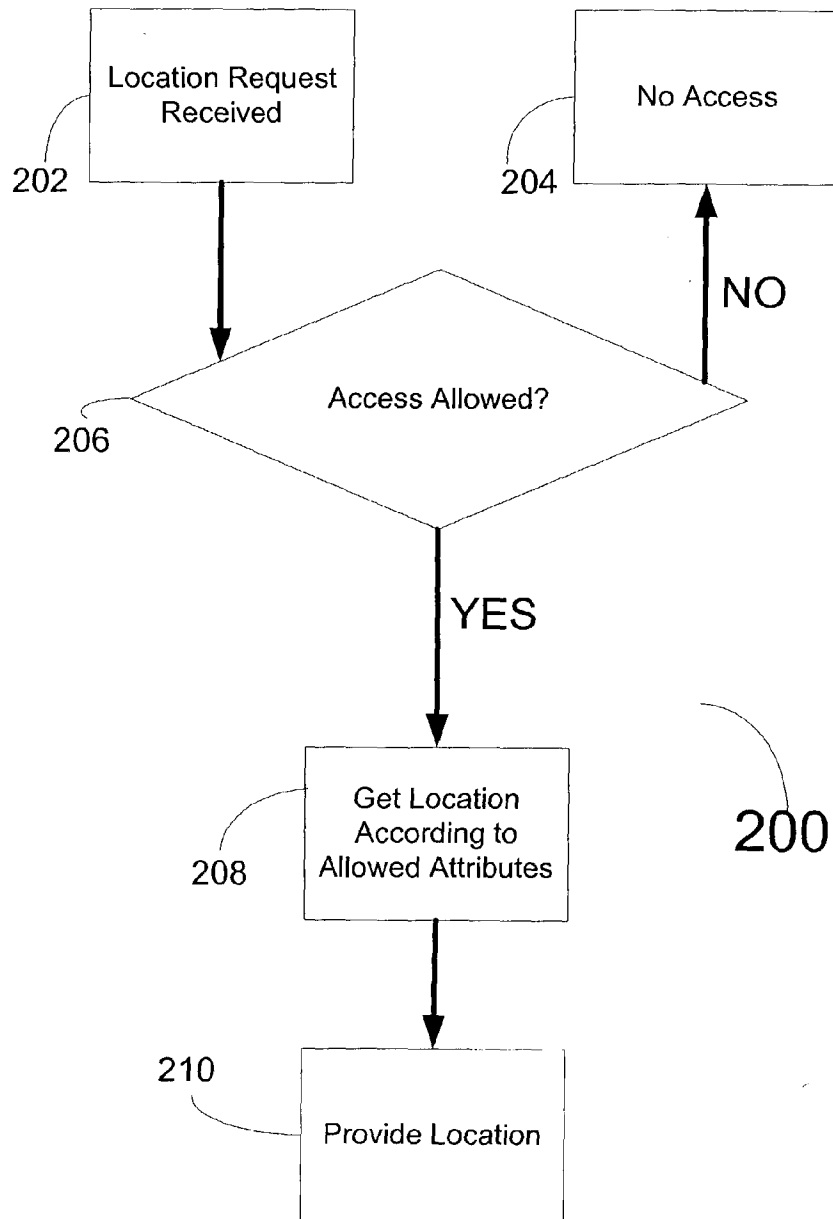


FIG. 2

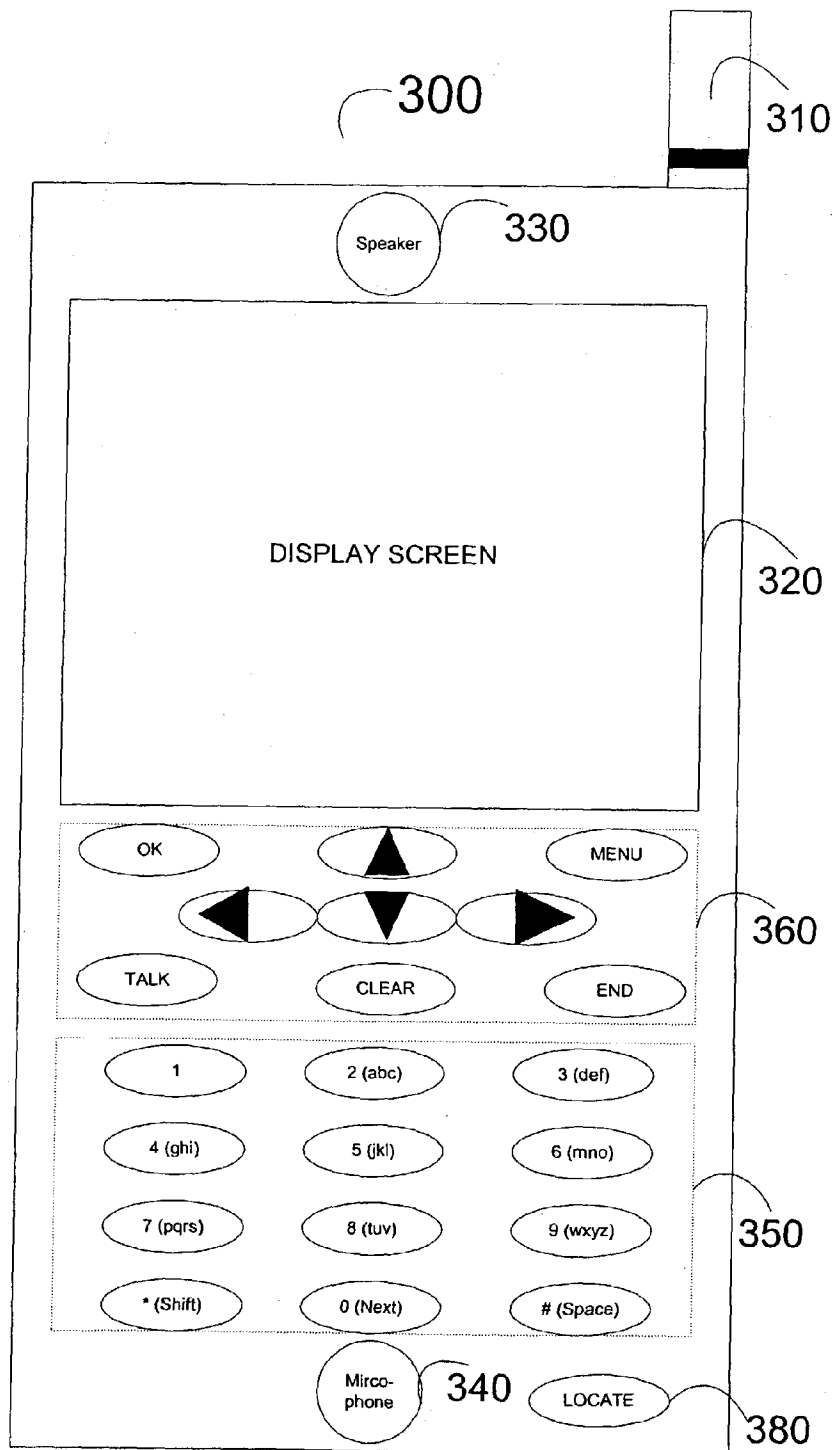


FIG. 3

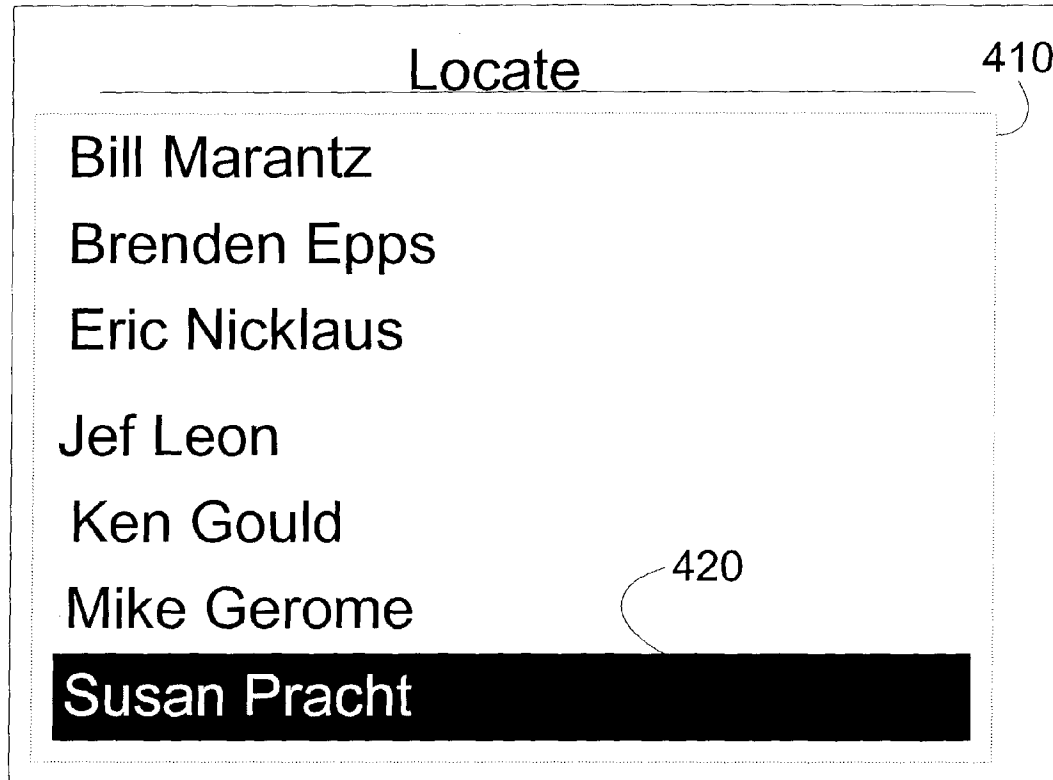


FIG. 4

400

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Docket No.: JDM/002

Application No.: Not Yet Known

Filed : March 25, 2003

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Sheet 5 of 17

Locating Susan Pracht . . .

510

FIG. 5

500

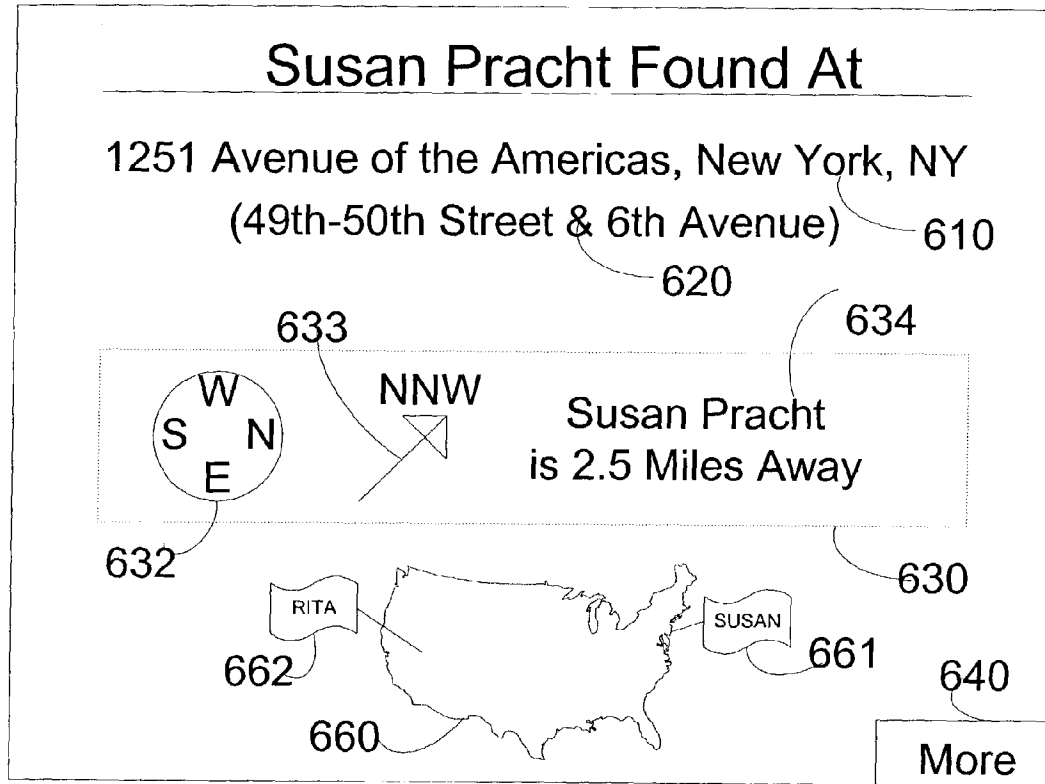


FIG. 6

600

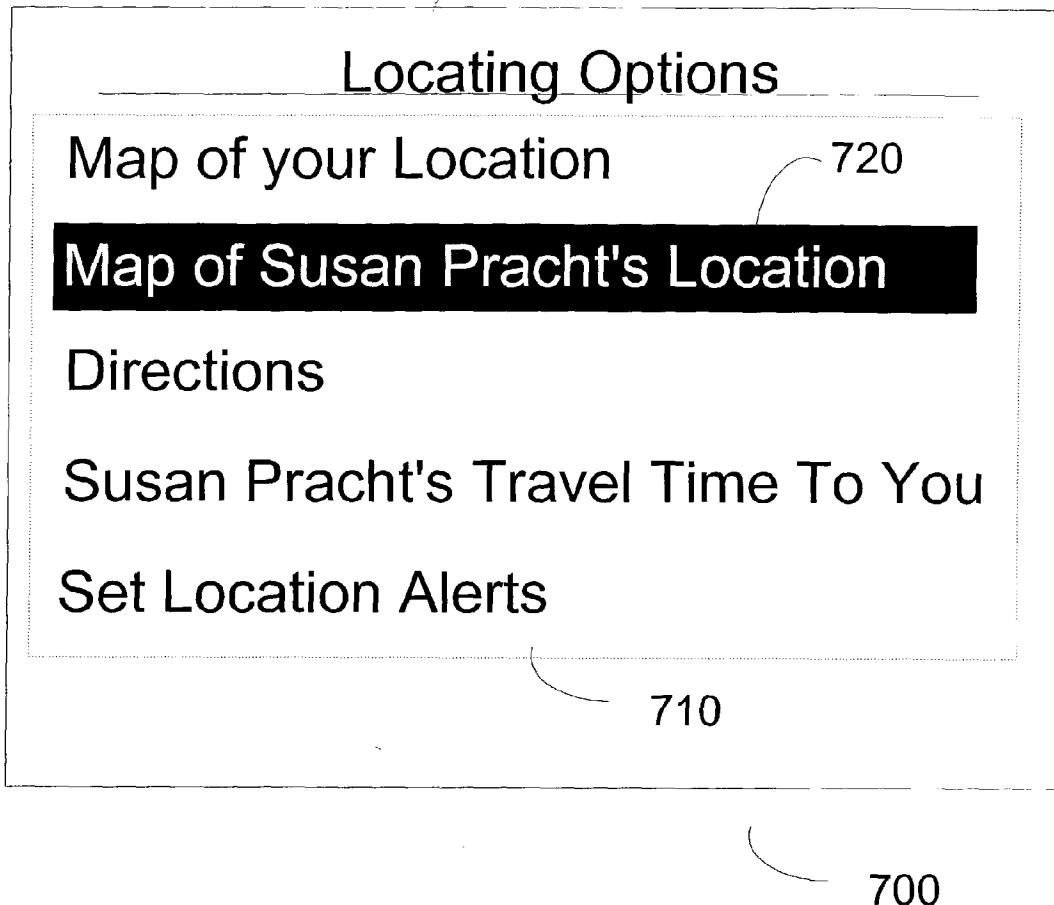


FIG. 7

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Docket No.: JDM/002

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Susan Pracht Has Not Given You
Locate Rights

810

FIG. 8

800

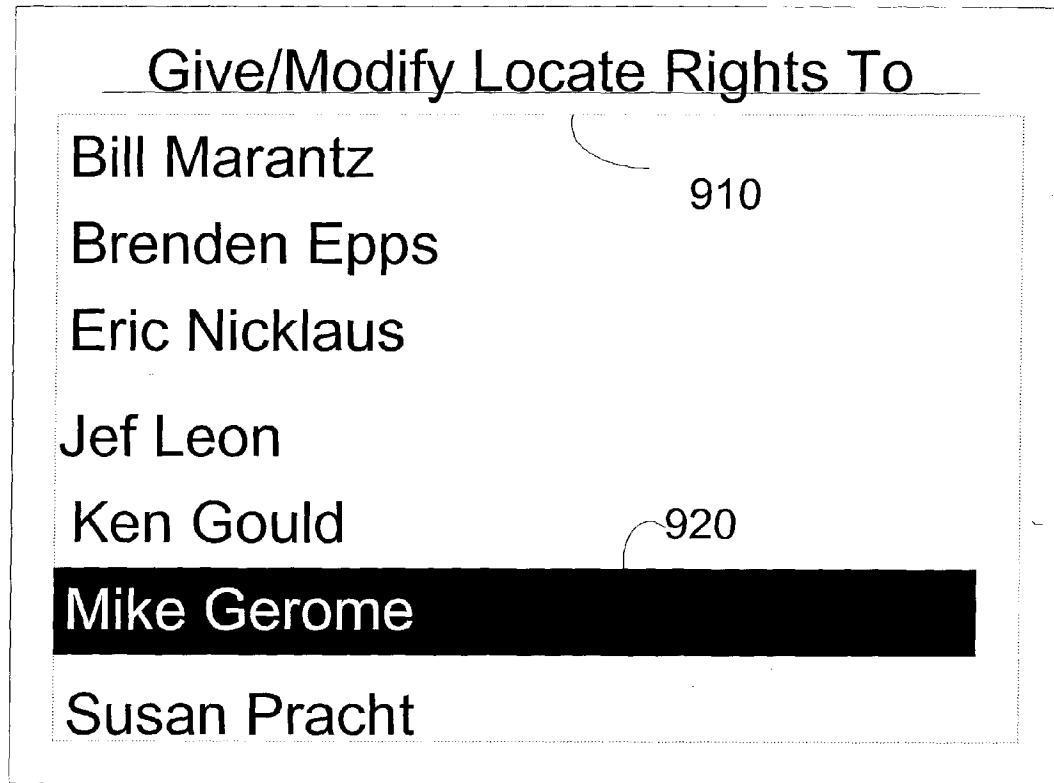


FIG. 9

900

Applicant : Jeffrey D. Mullen

Docket No.: JDM/002

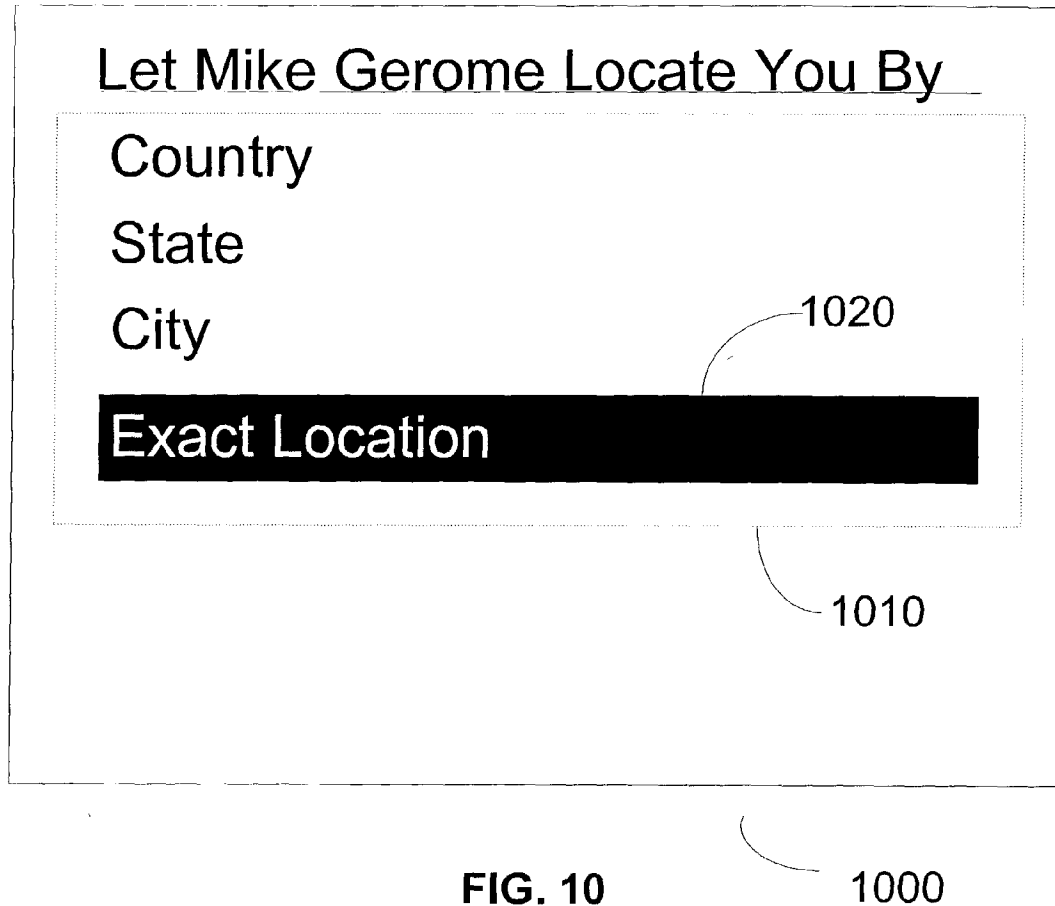
Application No.: Not Yet Known

Filed : March 25, 2003

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

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Sheet 10 of 17



Applicant : Jeffrey D. Mullen

Docket No.: JDM/002

Application No.: Not Yet Known

Filed : March 25, 2003

For : SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES
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Sheet 11 of 17

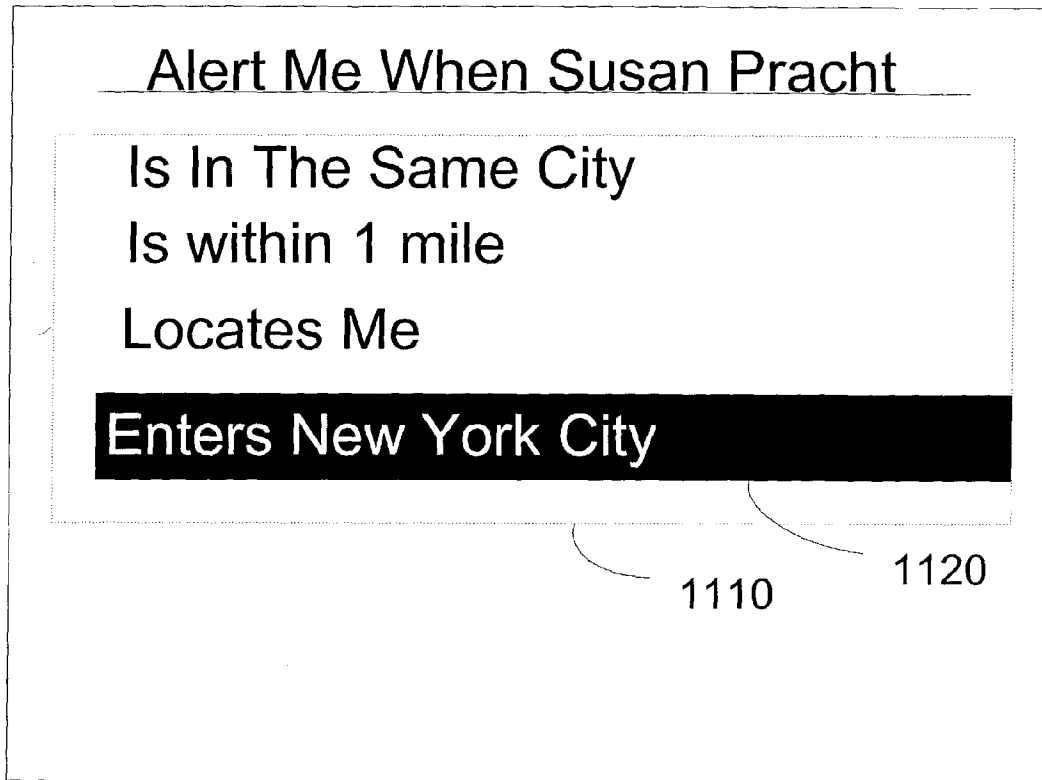


FIG. 11

1100

ALERT

**SUSAN PRACHT HAS JUST
ENTERED NEW YORK**

1210

FIG. 12

1200

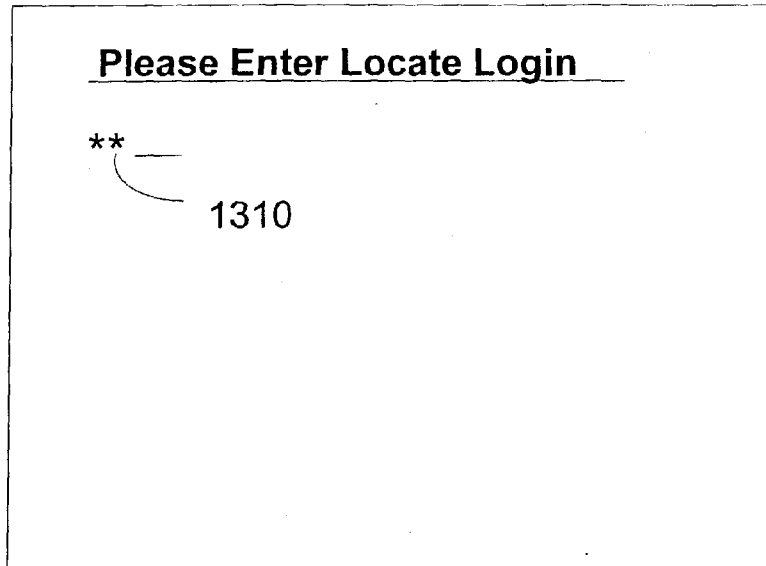


FIG. 13

1300

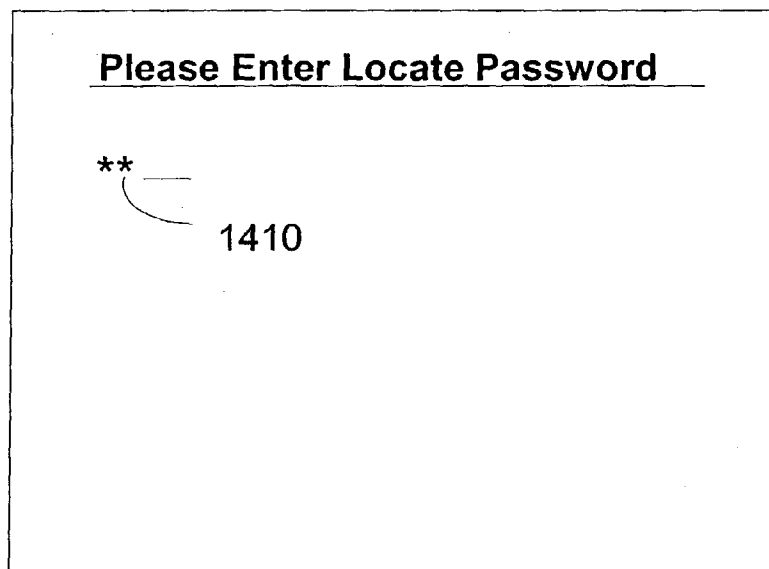


FIG. 14

1400

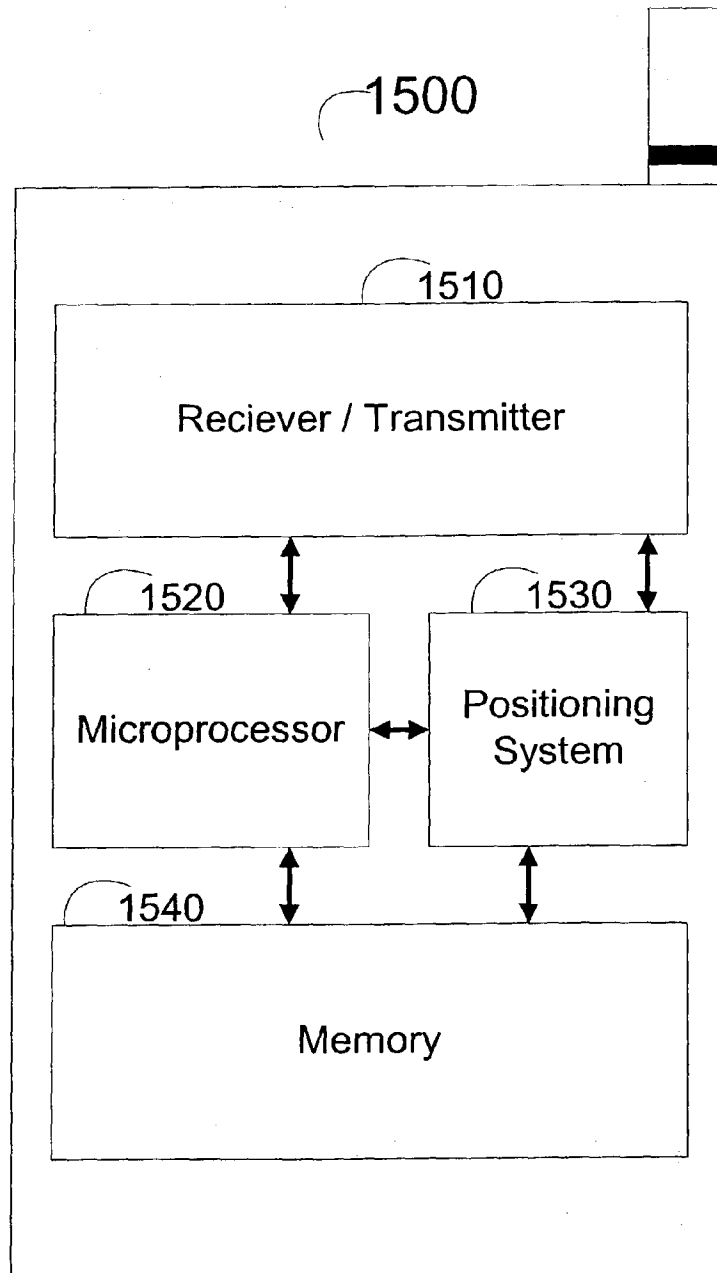


FIG. 15

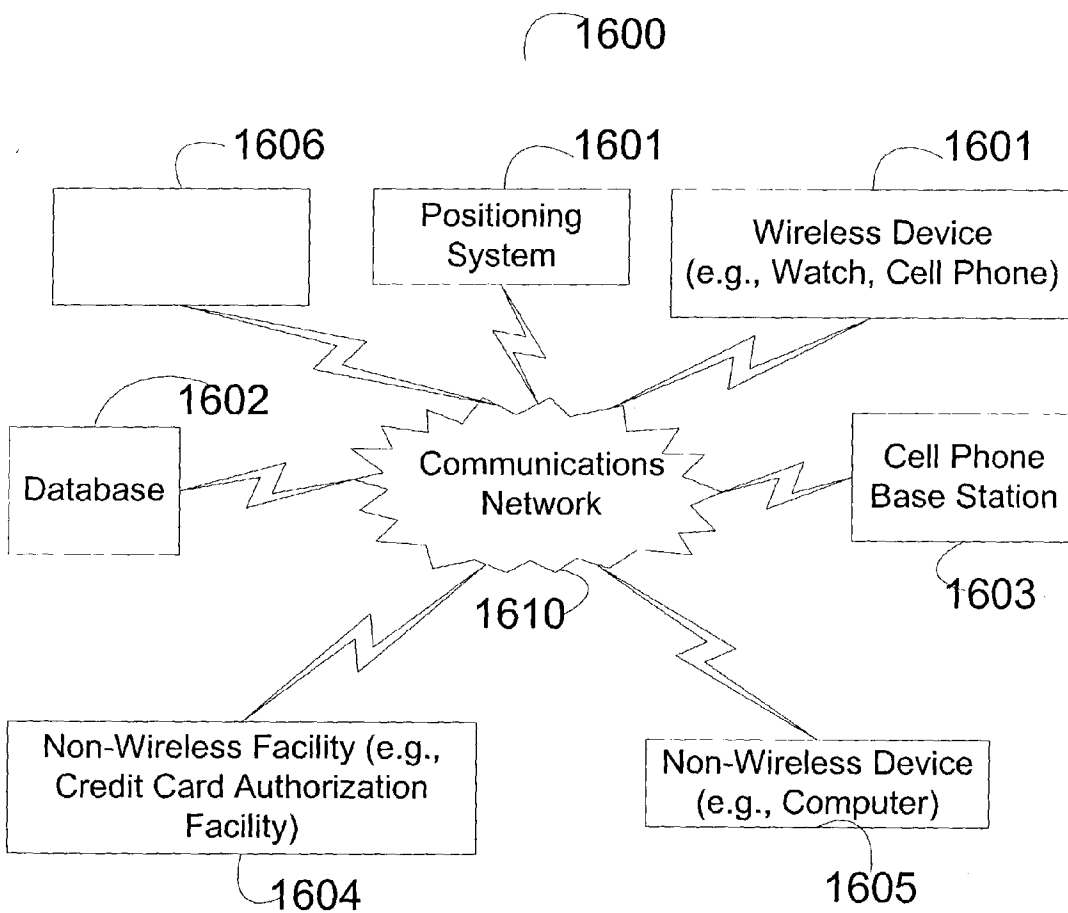


FIG. 16

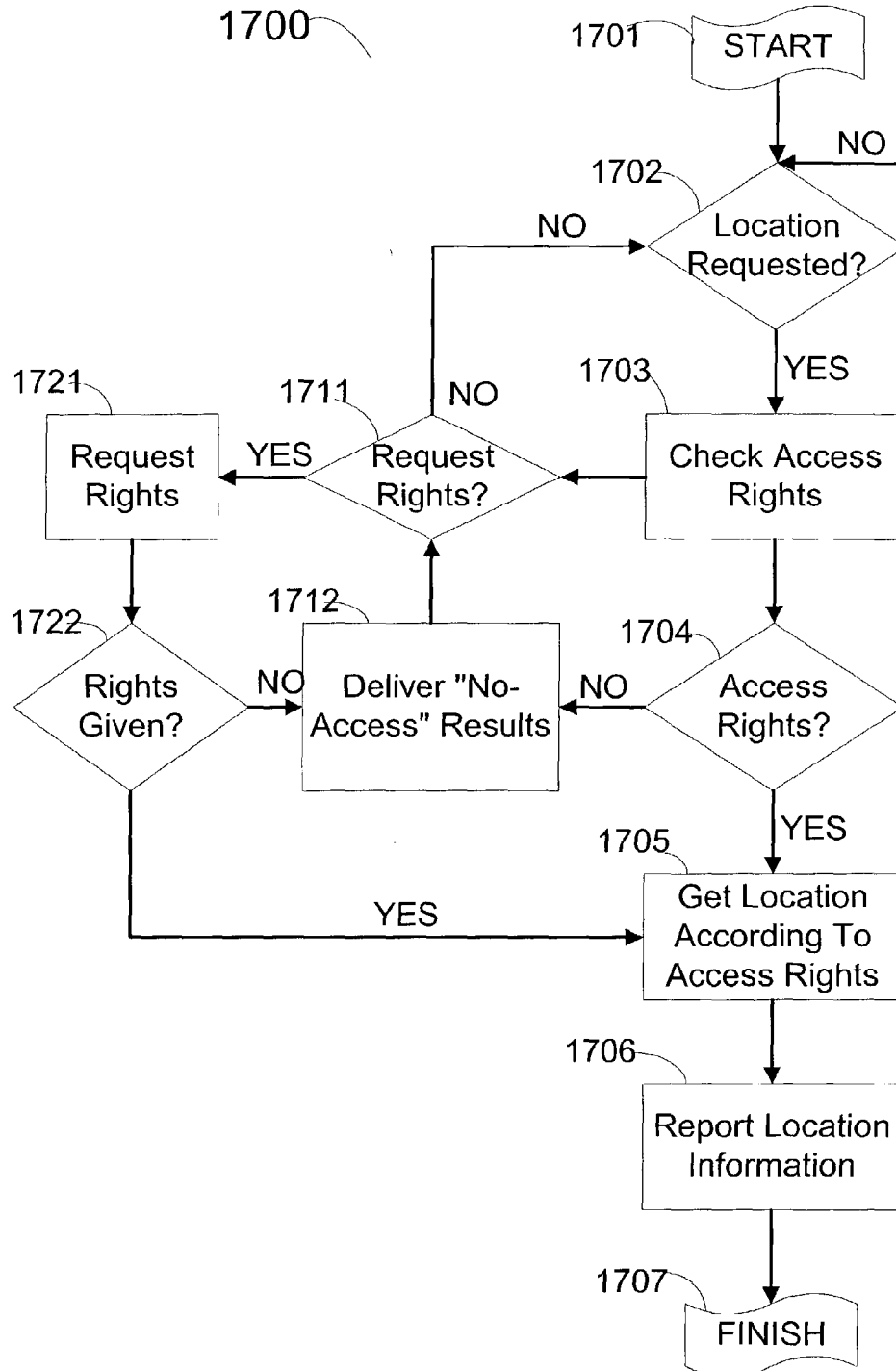


FIG. 17

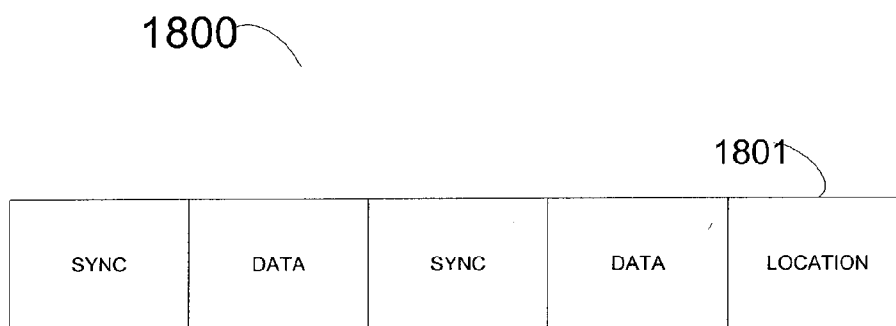


FIG. 18

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JDM/002

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
(Application Serial No.)

March 25, 2002
(Filing Date)

and I request that communications be sent to:

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

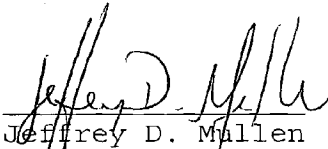
and that telephone calls be directed to:

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

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	JDM/002 CON7
		Application Number	Not yet assigned
Title of Invention	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME		
<p>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.</p> <p>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.</p>			

Secrecy Order 37 CFR 5.2

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

Applicant Information:

Applicant 1				
Applicant Authority		☒ Inventor	☐ Legal Representative under 35 U.S.C. 117	☐ Party of Interest under 35 U.S.C. 118
If applicant is not an inventor, indicate the authority to file for the patent on behalf of the inventor, the inventor is:				
Prefix	Given Name	Middle Name	Family Name	Suffix
	Jeffrey	David	Mullen	
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service				
City	Pittsburgh	State/Province	PA	Country of Residence ⁱ USA
Citizenship under 37 CFR 1.41 (b) ⁱ		USA		
Mailing Address of Applicant:				
Address 1		731 South Negley Ave., Apt. 2		
Address 2				
City	Pittsburgh	State/Province	PA	
Postal Code	15232	Country ⁱ	USA	
If the representative for the inventor is an Organization check here. ☐				
Prefix	Given Name	Middle Name	Family Name	Suffix
Residence Information of the Inventor's Representative:				
Residence Information (Select One) ☐ US Residency ☐ Non US Residency ☐ Active US Military Service				
City		State/Province		Country of Residence
Citizenship under 37 CFR 1.41 (b) ⁱ				
Mailing Address of the Inventor's Representative:				
Address 1				
Address 2				
City		State/Province		
Postal Code		Country ⁱ		

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	JDM/002 CON7
		Application Number	Not yet assigned
Title of Invention	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME		

Correspondence Information:

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

Application Information:

Title of the Invention	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME		
Attorney Docket Number	JDM/002 CON7	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)	

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	JDM/002 CON7
		Application Number	Not yet assigned
Title of Invention	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME		

Publication Information:	
☐	Request Early Publication (Fee required at time of Request 37 CFR 1.219)
☐	Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not been and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative Information during processing.			
Please Select One:	☒ Customer Number	☐ US Patent Practitioner	☐ US Representative (37 CFR 11.9)
Customer Number	32733		

Domestic Priority Information:

This section allows for the applicant to claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c). Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.			
Prior Application Status			
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
This application	Continuation of	10/496,200	2003-03-25
10/496,200	Non Provisional of	60/367,967	2002-03-25
Additional Domestic Priority Data may be generated within this form by selecting the Add button.			

Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).			
Application Number	Country i	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			☐ Yes ☒ No
Additional Foreign Priority Data may be generated within this form by selecting the Add button.			

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	JDM/002 CON7
		Application Number	Not yet assigned
Title of Invention	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME		

Assignee Information:

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

Assignee 1

If the Assignee is an Organization check here. ☐

Prefix	Given Name	Middle Name	Family Name	Suffix

Mailing Address Information:

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

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

Signature:

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

Signature	/Jeffrey D. Mullen/		Date (YYYY-MM-DD)	2007-08-20
First Name	Jeffrey	Last Name	Mullen	Registration Number
			52,056	

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

Privacy Act Statement

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

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

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

08/20/07

PTO/SB/06 (12-04)

Approved for use through 7/31/2006. OMB 0651-0032

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

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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number

11/841,765**APPLICATION AS FILED – PART I**

(Column 1)

(Column 2)

SMALL ENTITY

OR

OTHER THAN
SMALL ENTITY

FOR	NUMBER FILED	NUMBER EXTRA
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A
TOTAL CLAIMS (37 CFR 1.16(j))	2	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	2	*
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))		

RATE (\$)	FEE (\$)
N/A	75
N/A	250
N/A	100
X 25=	
X 100=	
N/A	
TOTAL	425

RATE (\$)	FEE (\$)
N/A	
N/A	
N/A	
X 50=	
X 200=	
N/A	
TOTAL	

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

APPLICATION AS AMENDED – PART II

3, 4

(Column 1)

(Column 2)

(Column 3)

SMALL ENTITY

OR

OTHER THAN
SMALL ENTITY

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(i))	*	Minus **	=
Independent (37 CFR 1.16(h))	*	Minus ***	=
Application Size Fee (37 CFR 1.16(s))			
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))			

RATE (\$)	ADDITIONAL FEE (\$)
X =	
X =	
N/A	
TOTAL ADD'T FEE	

RATE (\$)	ADDITIONAL FEE (\$)
X =	
X =	
N/A	
TOTAL ADD'T FEE	

(Column 1)

(Column 2)

(Column 3)

AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(i))	*	Minus **	=
Independent (37 CFR 1.16(h))	*	Minus ***	=
Application Size Fee (37 CFR 1.16(s))			
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))			

RATE (\$)	ADDITIONAL FEE (\$)
X =	
X =	
N/A	
TOTAL ADD'T FEE	

RATE (\$)	ADDITIONAL FEE (\$)
X =	
X =	
N/A	
TOTAL ADD'T FEE	

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

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

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/841,765	08/20/2007	2614	425	JDM/002 CON7	2	2

CONFIRMATION NO. 2475

FILING RECEIPT

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

Date Mailed: 08/30/2007

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

Applicant(s)

Jeffrey David Mullen, Pittsburgh, PA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

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

Foreign Applications

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

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is
US11/841,765

Projected Publication Date: 12/06/2007

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

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

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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



APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/841,765	08/20/2007	Jeffrey David Mullen	JDM/002 CON7

CONFIRMATION NO. 2475

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

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

Publication No. US-2007-0281671-A1

Publication Date: 12/06/2007

NOTICE OF PUBLICATION OF APPLICATION

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

The publication may be accessed through the USPTO's publicly 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



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,765	08/20/2007	Jeffrey David Mullen	JDM/002 CON7	2475
32733	7590	01/02/2008		
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
			01/02/2008	PAPER

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

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

Office Action Summary

Application No.

11/841,765

Applicant(s)

MULLEN, JEFFREY DAVID

Examiner

William J. Deane

Art Unit

2614

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

Period for Reply

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

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

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3 and 4 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:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

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

DETAILED ACTION

Double Patenting

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

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

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

Claims 3 and 4 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 - 79 of copending Application No. 10/400,296. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 3 and 4 are claiming similar subject matter to claims 1 - 17 in application 10/400,296. For example, both applications claim receiving a signal at a device from a first wireless device, the signal including location information, the location information is stored in said device and

providing the signal to another device depending on the access level of the other device.

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

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 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,177,651 (Almassy).

With respect to claims 3 and 4, note Col. 3, line 4 – Col. 4, line 54. In addition, note the Figs of Almassy.

Conclusion

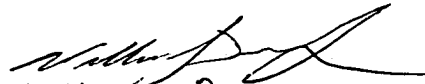
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the references cited on the 892 contained herewith.

Application/Control Number:
11/841,765
Art Unit: 2614

Page 4

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.

23Dec2007


William Deane
Primary Examiner

Notice of References Cited	Application/Control No. 11/841,765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID	
	Examiner William J. Deane	Art Unit 2614	Page 1 of 1

U.S. PATENT DOCUMENTS

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

11/841,765

Examiner

William J. Deane

Applicant(s)/Patent under Reexamination

MULLEN, JEFFREY DAVID

Art Unit

2614

✓	Rejected
=	Allowed

—	(Through numeral) Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date	
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[REDACTED]

William J. Deane

2614

[illegible]

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/841,765
Confirmation No. : 2475
Filed : August 20, 2007
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450 Pittsburgh, PA 15232
Alexandria, VA 22313-1450 May 27, 2008

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated January 2, 2008. A two-month extension of time is applicable hereto. In response to the Office Action, applicant amends the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 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:
receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device;

storing by said device said location information in a storage device; and

providing said ~~signals~~ signal from said device to a second wireless telephonic device without said location information.

4. (currently amended) A method comprising:
receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device;

storing by said device said location information in a storage device;

providing said ~~signals~~ signal from said device to a second wireless telephonic device without said location information;

receiving a request for said location information from a third wireless telephonic device, wherein access rights assigned by said first wireless telephonic device for said third wireless telephonic device are obtained and said location information is

provided to said third wireless telephonic device based on said access rights.

5. (new) The method of claim 3, wherein said device comprises a base station.

6. (new) The method of claim 3, wherein said signal includes a portion of a TDMA signal.

7. (new) The method of claim 3, wherein said signal includes a portion of a CDMA signal.

8. (new) The method of claim 3, wherein said device comprises a base station and said base station stores said location information in a database.

9. (new) The method of claim 3, wherein said third wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

10. (new) The method of claim 4, wherein said device comprises a base station.

11. (new) The method of claim 4, wherein said signal includes a portion of a TDMA signal.

12. (new) The method of claim 4, wherein said signal includes a portion of a CDMA signal.

13. (new) The method of claim 4, wherein said device comprises a base station and said storage device comprises a database.

14. (new) The method of claim 4, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

15. (new) A system comprising:
a first wireless telephonic device;
a second wireless telephonic device; and
a base station for routing a signal between said first wireless telephonic device and said second wireless telephonic device, wherein said base station receives said signal with data representative of the location of said first wireless telephonic device, said base station provides said signal to said second wireless telephonic device without said data representative of the location of said first wireless telephonic device, said base station stores said data representation of the location of said first wireless telephonic device to a storage device, said location is requested by said second wireless telephonic device, location access rights are assigned by said first wireless telephonic device for said second device, and said data representative of the location of the first wireless telephonic device is provided to said second wireless telephonic device based on said location access rights.

16. (new) The system of claim 15, wherein said signal includes a portion of a TDMA signal.

17. (new) The system of claim 15, wherein said signal includes a portion of a CDMA signal.

18. (new) The system of claim 15, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with the location of said first wireless telephonic device.

19. (new) The system of claim 15, wherein said second wireless telephonic device is associated with a second location, said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays distance information associated with the distance between the location associated with said first wireless telephonic device and a second location.

20. (new) The system of claim 15, wherein the location associated with said first wireless telephonic device is provided to a third wireless device.

21. (new) The system of claim 15, wherein a second location is determined for said second telephonic wireless device and said first wireless telephonic devices receives said second location.

22. (new) The system of claim 15, wherein said location comprises information retrieved from a positioning system located on said first wireless device.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3 and 4 are pending.

The Examiner provisionally rejected claims 3 and 4 on the ground of non-statutory double patenting as being unpatentable over claims 1-79 of copending Application No. 10/400,296.

Claims 3 and 4 were rejected under 35 U.S.C. 102(e) as being anticipated by Almassy U.S. Patent No. 7,177,651 (hereinafter "Almassy").

Summary of Applicant's Amendments

Applicant has amended claims 3 and 4 without prejudice and solely in order to expedite prosecution.

Applicant has added new claims 5-22.

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the Double Patenting Rejection

The Examiner provisionally rejected claims 3 and 4 on the ground of non-statutory double patenting as being unpatentable over claims 1-79 of copending Application No. 10/400,296.

The Examiner stated that:

"both applications claim receiving a signal at a device from a first wireless device, the signal including location information, the location information is stored in said device and providing the signal to another device depending on the access level of the other device" (Office Action, pages 2-3).

The Examiner provisionally rejected claims 3 and 4 under the doctrine of double patenting - but also rejected claims 3 and 4 under 35 U.S.C. 102(e). A double patenting rejection for claims 3 and 4 is premature until the Examiner has withdrawn the rejection under 35 U.S.C. 3 and 4.

Regardless, claims 3 and 4 are patentable in view of the claims of U.S. Patent Application No. 10/400,296.

Particularly, claim 3 includes receiving a signal at a device from a first wireless telephonic device, wherein the signal includes location information yet providing the signal from the device to a second wireless telephonic device without said location information. Accordingly, claim 3 is patentable in view of the pending claims of U.S. Patent Application No. 10/400,296.

Additionally, claim 4 includes receiving a signal at a device from a first wireless telephonic device, wherein the signal includes location information yet providing the signal from the device to a second wireless telephonic device without said location information. Claim 4 also includes providing the location information to a third wireless device. Accordingly, claim 4 is patentable in view the pending claims of U.S. Patent Application No. 10/400,296.

In light of the foregoing, applicant respectfully requests that the Examiner's provisional double patenting rejections be withdrawn.

Applicant's Reply to the 102(e) Rejections

Claims 3 and 4 were rejected under 35 U.S.C. 102(e) as being anticipated by Almassy.

Almassy allegedly discusses utilizing a message that originates from one structure and terminates at a second structure.

Applicant's specification includes transmitting a signal from a wireless device to a device with location information and then transmitting that signal from the device to a second wireless device without location information.

The Examiner stated that:

"With respect to claims 3 and 4, note Col. 3, line 4 - Col. 4, line 54. In addition, note the Figs of Almassy" (Office Action, page 3).

Almassy, however, does not show or suggest applicant's invention of claims 3 or 4 of sending a signal from a first wireless device to a device with location information and then sending a signal from the device to a second wireless device without location information. Almassy simply utilizes a message that originates from one structure and terminates at a second structure.

Accordingly, applicant respectfully requests that the Examiner's rejection of applicant's claims 3 and 4, and any claims dependent therefrom, be withdrawn.

New claims 5-22

Applicant has added new claims 5-22. Applicant respectfully submits that new claims 5-22 are patentable as claims 5-22 include at least a patentable feature included in either patentable claim 3 or 4.

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/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
731 South Negley, Apt. 2
Pittsburgh, PA 15232
Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal

Application Number:	11841765			
Filing Date:	20-Aug-2007			
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME			
First Named Inventor/Applicant Name:	Jeffrey David Mullen			
Filer:	Jeffrey David Mullen			
Attorney Docket Number:	JDM/002 CON7			
Filed as Small Entity				
Utility Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 2 months with \$0 paid	EX1002 - Page 89	1	230	230

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				230

Electronic Acknowledgement Receipt

EFS ID:	3363745
Application Number:	11841765
International Application Number:	
Confirmation Number:	2475
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 CON7
Receipt Date:	27-MAY-2008
Filing Date:	20-AUG-2007
Time Stamp:	21:48:16
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$230
RAM confirmation Number	15019
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 1.47 (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-002CON7--Reply.pdf	59648	yes	9
			29f5cb46bec60cea9d557a5f48002a3cf efc9711		

Multipart Description/PDF files in .zip description

Document Description	Start	End
Amendment - After Non-Final Rejection	1	1
Claims	2	5
Applicant Arguments/Remarks Made in an Amendment	6	9

Warnings:

Information:

2	Fee Worksheet (PTO-06)	fee-info.pdf	8176	no	2
			24ee02138bb47712a684206c76aff1537 a2f0b6b		

Warnings:

Information:

Total Files Size (in bytes):	67824
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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.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 11/841,765		Filing Date 08/20/2007		☐ 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 (\$)	RATE (\$)	FEE (\$)	RATE (\$)	FEE (\$)		
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A		N/A		N/A		N/A			
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	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		N/A		N/A			
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$	=	OR	X \$	=	X \$	=	X \$		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=	OR	X \$	=	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.												
APPLICATION AS AMENDED – PART II												
(Column 1)			(Column 2)		(Column 3)		SMALL ENTITY		OR		OTHER THAN SMALL ENTITY	
AMENDMENT	05/27/2008	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)	
Total (37 CFR 1.16(i))	*	20	Minus	** 20	= 0	X \$25 =	0	OR	X \$	=	X \$	
Independent (37 CFR 1.16(h))	*	3	Minus	*** 3	= 0	X \$105 =	0	OR	X \$	=	X \$	
☐ Application Size Fee (37 CFR 1.16(s))												
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))												
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE			
(Column 1)			(Column 2)		(Column 3)		SMALL ENTITY		OR		OTHER THAN SMALL ENTITY	
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)	
Total (37 CFR 1.16(i))	*		Minus	**	=	X \$	=	OR	X \$	=	X \$	
Independent (37 CFR 1.16(h))	*		Minus	***	=	X \$	=	OR	X \$	=	X \$	
☐ Application Size Fee (37 CFR 1.16(s))												
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))												
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE			
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>												

Legal Instrument Examiner:
/MARGARET BYARS/

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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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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11/841,765

08/20/2007

Jeffrey David Mullen

JDM/002 CON7

2475

32733

7590

08/29/2008

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

08/29/2008

PAPER

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

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

Office Action Summary	Application No. 11/841,765	Applicant(s) MULLEN, JEFFREY DAVID	
	Examiner William J. Deane	Art Unit 2614	

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

Period for Reply

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

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

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

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

Priority under 35 U.S.C. § 119

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

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

Attachment(s)

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

DETAILED ACTION

Double Patenting

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

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

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

Claims 3 – 22 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 3 – 32 of copending Application No. 11/485161. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both are claiming receiving a signal from a device, the signal includes location information, storing the location information at the device and providing the signal to a second wireless device with or without location information to another wireless telephone with the right permissions and access levels.

This is a provisional obviousness-type double patenting rejection because the

Art Unit: 2614

conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

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

Claims 3 – 22 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent No. 6,885,874 (Grube et al.).

With respect to claims 3 – 22, note Col. 4, line 51 – Col. 5, line 13, col. 5, lines 25 – 45, note filtering polices (Col. 10, lines 47 -60 and Col. 11, lines 1 – 42), Col. 13, lines 10 – 23, Col. 15, lines 22 – 27 and with respect to TDMA and CDMA, note Col. 4, lines 44 – 50. In addition, note Figs. 1, 2 and Col. 6, lines 14 – 32 and Col. 15, line 60 – Col. 16, line 30. Additionally, note use of GPS (at least Col. 9, line 57).

Response to Arguments

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

Conclusion

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

26Aug2008

/William J Deane/

Primary Examiner, Art Unit 2614

Application/Control Number: 11/841,765
Art Unit: 2614

Page 4

Notice of References Cited	Application/Control No. 11/841,765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID	
	Examiner William J. Deane	Art Unit 2614	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,885,874	04-2005	Grube et al.	455/520
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

<i>Index of Claims</i> 	Application/Control No. 11841765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID
	Examiner William J Deane	Art Unit 2614

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

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

CLAIM		DATE									
Final	Original	08/26/2008									
	1	-									
	2	-									
	3	✓									
	4	✓									
	5	✓									
	6	✓									
	7	✓									
	8	✓									
	9	✓									
	10	✓									
	11	✓									
	12	✓									
	13	✓									
	14	✓									
	15	✓									
	16	✓									
	17	✓									
	18	✓									
	19	✓									
	20	✓									
	21	✓									
	22	✓									

Search Notes 	Application/Control No. 11841765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID
	Examiner William J Deane	Art Unit 2614

SEARCHED			
Class	Subclass	Date	Examiner
	Updated the prior search.	26Aug2008	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

--	--

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/841,765
Confirmation No. : 2475
Filed : August 20, 2007
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450 Pittsburgh, PA 15232
Alexandria, VA 22313-1450 March 2, 2009

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated August 29, 2008. A three-month extension of time is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 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:
receiving a signal at a device from a first
wireless telephonic device, wherein said signal includes
location information for said first wireless telephonic
device;

storing by said device said location
information in a storage device; and

providing said signal from said device to a
second wireless telephonic device without said location
information.

4. (previously presented) A method comprising:
receiving a signal at a device from a first
wireless telephonic device, wherein said signal includes
location information for said first wireless telephonic
device;

storing by said device said location
information in a storage device;

providing said signal from said device to a
second wireless telephonic device without said location
information;

receiving a request for said location
information from a third wireless telephonic device,
wherein access rights assigned by said first wireless
telephonic device for said third wireless telephonic
device are obtained and said location information is

provided to said third wireless telephonic device based on said access rights.

5. (previously presented) The method of claim 3, wherein said device comprises a base station.

6. (previously presented) The method of claim 3, wherein said signal includes a portion of a TDMA signal.

7. (previously presented) The method of claim 3, wherein said signal includes a portion of a CDMA signal.

8. (previously presented) The method of claim 3, wherein said device comprises a base station and said base station stores said location information in a database.

9. (previously presented) The method of claim 3, wherein said third wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

10. (previously presented) The method of claim 4, wherein said device comprises a base station.

11. (previously presented) The method of claim 4, wherein said signal includes a portion of a TDMA signal.

12. (previously presented) The method of claim 4, wherein said signal includes a portion of a CDMA signal.

13. (previously presented) The method of claim 4, wherein said device comprises a base station and said storage device comprises a database.

14. (previously presented) The method of claim 4, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

15. (previously presented) A system comprising:
a first wireless telephonic device;
a second wireless telephonic device; and
a base station for routing a signal between said first wireless telephonic device and said second wireless telephonic device, wherein said base station receives said signal with data representative of the location of said first wireless telephonic device, said base station provides said signal to said second wireless telephonic device without said data representative of the location of said first wireless telephonic device, said base station stores said data representation of the location of said first wireless telephonic device to a storage device, said location is requested by said second wireless telephonic device, location access rights are assigned by said first wireless telephonic device for said second device, and said data representative of the location of the first wireless telephonic device is

provided to said second wireless telephonic device based on said location access rights.

16. (previously presented) The system of claim 15, wherein said signal includes a portion of a TDMA signal.

17. (previously presented) The system of claim 15, wherein said signal includes a portion of a CDMA signal.

18. (previously presented) The system of claim 15, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with the location of said first wireless telephonic device.

19. (previously presented) The system of claim 15, wherein said second wireless telephonic device is associated with a second location, said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays distance information associated with the distance between the location associated with said first wireless telephonic device and a second location.

20. (previously presented) The system of claim 15, wherein the location associated with said first wireless telephonic device is provided to a third wireless device.

21. (previously presented) The system of claim 15, wherein a second location is determined for

said second telephonic wireless device and said first wireless telephonic devices receives said second location.

22. (previously presented) The system of claim 15, wherein said location comprises information retrieved from a positioning system located on said first wireless device.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3 and 4 are pending.

The Examiner provisionally rejected claims 3-22 on the ground of non-statutory double patenting as being unpatentable over claims 3-32 of copending Application No. 11/485,161.

Claims 3-22 were rejected under 35 U.S.C. 102(e) as being anticipated by Grube U.S. Patent No. 6,885,874 (hereinafter "Grube").

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the Double Patenting Rejection

The Examiner provisionally rejected claims 3-22 on the ground of non-statutory double patenting as being unpatentable over claims 3-32 of copending Application No. 11/485,161.

The Examiner stated that:

"not patentably distinct from each other because they both are claiming receiving a signal from a device, the signal includes location information, storing the location information at the device and providing the signal to a second wireless device with or without location information" (Office Action, pages 2).

The Examiner provisionally rejected claims 3-22 under the doctrine of double patenting - but also rejected claims 3-22 under 35 U.S.C. 102(e). A double

patenting rejection for claims 3-22 is premature until the Examiner has withdrawn the rejection under 35 U.S.C. 102(e) for claims 3-22.

Regardless, claims 3-22 are patentable in view of the claims of U.S. Patent Application No. 11/485,161.

Particularly, claim 3 includes receiving a signal at a device from a first wireless telephonic device, wherein the signal includes location information yet providing the signal from the device to a second wireless telephonic device without said location information. Contrary, to the Examiner's statement, none of the claims of U.S. Patent Application No. 11/485,161 include these features. Accordingly, claim 3 is patentable in view of the pending claims of U.S. Patent Application No. 11/485,161.

Additionally, claim 4 includes receiving a signal at a device from a first wireless telephonic device, wherein the signal includes location information yet providing the signal from the device to a second wireless telephonic device without said location information. Claim 4 also includes providing the location information to a third wireless device. None of the claims of U.S. Patent Application No. 11/485,161 include these features. Accordingly, claim 4 is patentable in view the pending claims of U.S. Patent Application No. 11/485,161.

Furthermore, claim 15 includes a base station that receives a signal with data representative of the location of the first wireless telephonic device, the base station provides said signal to the second wireless telephonic device without the data representative of the location of said first wireless telephonic device. None of the claims of U.S. Patent Application No. 11/485,161 include these features. Accordingly, claim 15 is

patentable in view the pending claims of U.S. Patent Application No. 11/485,161.

In light of the foregoing, applicant respectfully requests that the Examiner's provisional double patenting rejections be withdrawn.

Applicant's Reply to the 102(e) Rejections

Claims 3-22 were rejected under 35 U.S.C. 102(e) as being anticipated by Grube.

Grube alleges initiating talkgroup with talkgroup subscribers. Location information is sent to those in the talkgroup. A GPS sends location information to a device for transmission to the talkgroup. Filtering policies are used to limit the location information sent from the GPS device to a transmission device. Thus, all talkgroup members receive the same filtered information. Different types of messages are sent to perform the various actions of Grube.

Claims 3 and 4

Applicant's invention of claims 3 and 4 include receiving a signal at a device that includes location information, storing the location information, and providing that signal from that device to a second wireless telephonic device without the location information.

Accordingly, applicant's invention of claims 3 and 4 sends a signal from a first wireless device to a second wireless device, but location information is provided from the first device to a storage device - not the second wireless device.

Grube is far removed from applicant's invention.

At best, Grube allegedly sends one message from a first device to an intermediary location and then a different message from the intermediary location to a second device.

Sending two separate, unrelated messages is not applications invention of claims 3 and 4 of providing a signal to a second wireless device without location information where the signal was received from a first wireless device with location information.

Moreover, the Examiner stated "with respect to claims 3-22 ... Col. 11, lines 1-42" (Office Action, page 3). This portion of the specification relates to filtering. As discussed above, Grube's filtering is allegedly applied directly to the GPS and this filtered GPS information is provided through a transmitting device to the talkgroup subscribers. Accordingly, Grube allegedly sends the filtered information to all talkgroup subscribers as well as an intermediary location. More particularly, Grube sends the filtered information to a transmitting device, and then from the transmitting device to an intermediate location, and then from the intermediate location to all talkgroup subscribers. Grube does not show or suggest applicant's invention of claims 3 and 4 of receiving a signal from a first wireless device with location information and providing that signal to a second wireless device without the location information.

As shown above, claims 3 and 4 are patentable. Accordingly, applicant respectfully requests that the Examiner's rejections of claims 3 and 4, and any claims dependent therefrom, under 35 U.S.C. 102(e) be withdrawn.

Claim 15

Claim 15 includes a station for routing a signal between a first wireless telephonic device and a second wireless telephonic device, where the signal includes data representative of a location, and the station provides the signal to the second wireless telephonic device without the data representative of the location.

Features of claim 15 are similar to patentable features discussed above in connection with the patentability of claims 3 and 4. For at least these reasons, claim 15 is also patentable.

In this manner, applicant respectfully requests that the Examiner's rejections of claim 15, and any claims dependent therefrom, under 35 U.S.C. 102(e) be withdrawn.

Conclusion

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

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge any fees associated with this filing, or credit any overpayments thereon, to Deposit Account No. 50-3855, Order No. JDM/002 CON7.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
731 South Negley, Apt. 2
Pittsburgh, PA 15232
Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal

Application Number:	11841765			
Filing Date:	20-Aug-2007			
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME			
First Named Inventor/Applicant Name:	Jeffrey David Mullen			
Filer:	Jeffrey David Mullen			
Attorney Docket Number:	JDM/002 CON7			
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	EX1002 - Page 2253	1	555	555

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

Electronic Acknowledgement Receipt

EFS ID:	4880869
Application Number:	11841765
International Application Number:	
Confirmation Number:	2475
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 CON7
Receipt Date:	02-MAR-2009
Filing Date:	20-AUG-2007
Time Stamp:	03:16:25
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$555
RAM confirmation Number	7305
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-002CON7-Reply.pdf	65013 <small>703196229829676a311e0db880f18214e922176f</small>	yes	11
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
	Claims		2	6	
	Applicant Arguments/Remarks Made in an Amendment		7	11	

Warnings:

Information:

2	Fee Worksheet (PTO-06)	fee-info.pdf	30313 <small>9c05640a930057d6e75830d12a3166064a973b20</small>	no	2
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Warnings:

Information:

Total Files Size (in bytes):			95326
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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.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 11/841,765		Filing Date 08/20/2007		☐ 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 (\$)	OR	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), (l), 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 \$	=		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)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	03/02/2009	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 20	Minus	** 20	= 0	X \$26 =	0	OR	X \$ =	
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	X \$110 =	0	OR	X \$ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
					TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE		
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =	OR	X \$ =		
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =	OR	X \$ =		
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
					TOTAL ADD'L FEE		TOTAL ADD'L FEE			
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>										

Legal Instrument Examiner:
/STELLA LITTLE/

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.
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11/841,765

08/20/2007

Jeffrey David Mullen

JDM/002 CON7

2475

32733

7590

06/24/2009

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

EXAMINER

DEANE JR, WILLIAM J

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

06/24/2009

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. 11/841,765	Applicant(s) MULLEN, JEFFREY DAVID	
	Examiner William J. Deane	Art Unit 2614	

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

Period for Reply

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

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

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 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) 3-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

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

Priority under 35 U.S.C. § 119

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

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

Attachment(s)

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

DETAILED ACTION

Double Patenting

The double patenting rejection contained in the Office Action dated 08/29/2008 is still in effect as the examiner is not persuaded by applicant's comments.

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 – 4, 9, 15 and 20 - 22 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 – 4, 9, 15 and 20 - 21 such limitations are taught by Bates at paragraphs 0022, 0026 -0028, 0033 – 0035, 0042 – 0047, 0052 – 0054 and 0057 and the Abstract. Note also, Fig. 3.

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.

With respect to claim 22 note paragraph 0057.

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 negated by the manner in which the invention was made.

Claims 5 – 12, 14, 16 – 19 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 claims 5, 8, 10, 13 and with respect to a remote sever or base station; 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 remote sever or base station 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 or base station 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) or base station 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 claims 6 – 7, 11 - 12 and 16 – 17, note paragraph 0052 of Poulin et al.

With respect to claims 9, 14 and 18 and the use of a map note at least the Abstract of Poulin et al. With respect to such limitations as a speaker, microphone and a display that both Bates et al. and Poulin et al. use wireless telephones so such limitations are inherent in both.

With respect to claim 19, note that if one has a map such a limitation is inherent.

Response to Arguments

Applicant's arguments with respect to claims 1 - 21 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 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.

19Jun2009

/William J Deane/

Primary Examiner, Art Unit 2614

Application/Control Number: 11/841,765
Art Unit: 2614

Page 5

Notice of References Cited	Application/Control No. 11/841,765		Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID	
	Examiner William J. Deane		Art Unit 2614	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2009/0029717	01-2009	Bates et al.	455/456.1
*	B	US-2002/0115453	08-2002	Poulin et al.	455/456
*	C	US-2002/0102989	08-2002	Calvert et al.	455/456
	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.

<i>Index of Claims</i> 	Application/Control No. 11841765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID
	Examiner William J Deane	Art Unit 2614

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

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

CLAIM		DATE									
Final	Original	08/26/2008	06/19/2009								
	1	-									
	2	-									
	3	✓	✓								
	4	✓	✓								
	5	✓	✓								
	6	✓	✓								
	7	✓	✓								
	8	✓	✓								
	9	✓	✓								
	10	✓	✓								
	11	✓	✓								
	12	✓	✓								
	13	✓	✓								
	14	✓	✓								
	15	✓	✓								
	16	✓	✓								
	17	✓	✓								
	18	✓	✓								
	19	✓	✓								
	20	✓	✓								
	21	✓	✓								
	22	✓	✓								

Search Notes 	Application/Control No. 11841765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID
	Examiner William J Deane	Art Unit 2614

SEARCHED			
Class	Subclass	Date	Examiner
	Updated the prior search.	26Aug2008	WJD
	Updated the prior search.	19Jun2009	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/841,765
Confirmation No. : 2475
Filed : August 20, 2007
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450 Pittsburgh, PA 15232
Alexandria, VA 22313-1450 December 23, 2009

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated June 24, 2009. A three-month extension of time is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 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:
receiving a signal at a device from a first
wireless telephonic device, wherein said signal includes
location information for said first wireless telephonic
device;

storing by said device said location
information in a storage device; and

providing said signal from said device to a
second wireless telephonic device without said location
information.

4. (previously presented) A method comprising:
receiving a signal at a device from a first
wireless telephonic device, wherein said signal includes
location information for said first wireless telephonic
device;

storing by said device said location
information in a storage device;

providing said signal from said device to a
second wireless telephonic device without said location
information;

receiving a request for said location
information from a third wireless telephonic device,
wherein access rights assigned by said first wireless
telephonic device for said third wireless telephonic
device are obtained and said location information is

provided to said third wireless telephonic device based on said access rights.

5. (previously presented) The method of claim 3, wherein said device comprises a base station.

6. (previously presented) The method of claim 3, wherein said signal includes a portion of a TDMA signal.

7. (previously presented) The method of claim 3, wherein said signal includes a portion of a CDMA signal.

8. (previously presented) The method of claim 3, wherein said device comprises a base station and said base station stores said location information in a database.

9. (previously presented) The method of claim 3, wherein said third wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

10. (previously presented) The method of claim 4, wherein said device comprises a base station.

11. (previously presented) The method of claim 4, wherein said signal includes a portion of a TDMA signal.

12. (previously presented) The method of claim 4, wherein said signal includes a portion of a CDMA signal.

13. (previously presented) The method of claim 4, wherein said device comprises a base station and said storage device comprises a database.

14. (previously presented) The method of claim 4, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

15. (previously presented) A system comprising:
a first wireless telephonic device;
a second wireless telephonic device; and
a base station for routing a signal between said first wireless telephonic device and said second wireless telephonic device, wherein said base station receives said signal with data representative of the location of said first wireless telephonic device, said base station provides said signal to said second wireless telephonic device without said data representative of the location of said first wireless telephonic device, said base station stores said data representation of the location of said first wireless telephonic device to a storage device, said location is requested by said second wireless telephonic device, location access rights are assigned by said first wireless telephonic device for said second device, and said data representative of the location of the first wireless telephonic device is

provided to said second wireless telephonic device based on said location access rights.

16. (previously presented) The system of claim 15, wherein said signal includes a portion of a TDMA signal.

17. (previously presented) The system of claim 15, wherein said signal includes a portion of a CDMA signal.

18. (previously presented) The system of claim 15, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with the location of said first wireless telephonic device.

19. (previously presented) The system of claim 15, wherein said second wireless telephonic device is associated with a second location, said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays distance information associated with the distance between the location associated with said first wireless telephonic device and a second location.

20. (previously presented) The system of claim 15, wherein the location associated with said first wireless telephonic device is provided to a third wireless device.

21. (previously presented) The system of claim 15, wherein a second location is determined for

said second telephonic wireless device and said first wireless telephonic devices receives said second location.

22. (previously presented) The system of claim 15, wherein said location comprises information retrieved from a positioning system located on said first wireless device.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-22 are pending.

The Examiner maintained the double patenting rejection from the previous Office Action.

The Examiner rejected claims 3-4, 9, 15, and 20-22 under 35 U.S.C. 102(e) as being anticipated by Bates U.S. Patent Application No. 2009/0029717 (hereinafter "Bates").

Claims 5-12, 14, and 16-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates or in the alternative Bates in view of Poulin U.S. Patent Application No. 2002/0155453 (hereinafter "Poulin").

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the Double Patenting Rejection

The Examiner previously provisionally rejected claims 3-22 on the ground of non-statutory double patenting as being unpatentable over claims 3-32 of copending Application No. 11/485,161. The Examiner maintained the rejection, but did not provide any reasoning.

The Examiner previously stated that:

"not patentably distinct from each other because they both are claiming receiving a signal from a device, the signal includes location information, storing the location

information at the device and providing the signal to a second wireless device with or without location information" (Office Action dated August 29, 2008, pages 2).

The Examiner provisionally rejected claims 3-22 under the doctrine of double patenting - but also rejected claims 3-4, 9, 15, and 20-22 under 35 U.S.C. 102(e). A double patenting rejection for claims 3-4, 9, 15, and 20-22 is premature until the Examiner has withdrawn the rejection under 35 U.S.C. 102(e) for claims 3-22.

Regardless, claims 3-22 are patentable in view of the claims of U.S. Patent Application No. 11/485,161.

Particularly, claim 3 includes receiving a signal at a device from a first wireless telephonic device, wherein the signal includes location information yet providing the signal from the device to a second wireless telephonic device without said location information. Contrary, to the Examiner's statement, none of the claims of U.S. Patent Application No. 11/485,161 include these features. Accordingly, claim 3 is patentable in view of the pending claims of U.S. Patent Application No. 11/485,161.

Additionally, claim 4 includes receiving a signal at a device from a first wireless telephonic device, wherein the signal includes location information yet providing the signal from the device to a second wireless telephonic device without said location information. Claim 4 also includes providing the location information to a third wireless device. None of the claims of U.S. Patent Application No. 11/485,161 include these features. Accordingly, claim 4 is patentable in view the pending claims of U.S. Patent Application No. 11/485,161.

Furthermore, claim 15 includes a base station that receives a signal with data representative of the location of the first wireless telephonic device, the base station provides said signal to the second wireless telephonic device without the data representative of the location of said first wireless telephonic device. None of the claims of U.S. Patent Application No. 11/485,161 include these features. Accordingly, claim 15 is patentable in view the pending claims of U.S. Patent Application No. 11/485,161.

In light of the foregoing, applicant respectfully requests that the Examiner's provisional double patenting rejections be withdrawn.

Applicant's Reply to the 102(e) Rejections

The Examiner rejected claims 3-4, 9, 15, and 20-22 under 35 U.S.C. 102(e) as being anticipated by Bates.

Applicant discusses a device for receiving a signal with location information, storing this location information, and then providing from the device the signal without the location information.

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

Bates does not show or suggest applicant's invention of claim 3 of receiving a signal at a device from a first wireless telephonic device that includes location information for the first wireless telephonic device and providing the signal from the device to a second wireless telephonic device without the location information.

Bates merely alleges sending and receiving information. Furthermore, Bates allegedly discusses receiving and sending different data packets. Some data packets may include a location (See Bates, paragraph 35).

Merely sending and receiving different data packets does not show or suggest applicant's invention of claim 3 of a device that receives a signal with the location information of a wireless telephonic device and then sends that signal to another wireless telephonic device without the location information.

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

Claim 4

As shown above, claim 3 is patentable. Claim 4 includes patentable features similar to patentable features included in claims 3. For example, Bates does not show or suggest applicant's invention of claim 4 of receiving a signal at a device from a first wireless telephonic device that includes location information and providing the signal from the device to a second wireless telephonic device without said location information.

Additionally, Bates does not show or suggest applicant's invention of claim 4 of receiving a request

for said location information from a third wireless telephonic device. Bates is silent on such requests.

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

Claim 15

As shown above, claims 3 and 4 are patentable. Claim 15 includes patentable features similar to patentable features included in claims 15. For example,, Bates does not show or suggest applicant's invention of claim 15 of a base station for routing a signal between said first wireless telephonic device and said second wireless telephonic device, wherein the base station receives the signal with data representative of the location of said first wireless telephonic device and provides the signal to said second wireless telephonic device without the data representative of the location of said first wireless telephonic device.

Additionally, Bates does not show or suggest applicant's invention of claim 15 of a location that is requested by said second wireless telephonic device. Bates is silent on such requests.

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

Applicant's Reply to the 103(a) Rejections

Claims 5-12, 14, and 16-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates or in the alternative Bates in view of Poulin. As shown above, claims 3, 4, and 15 are patentable.

Claims 5-12, 14, and 16-19 depend from either claims 3, 4, or 15. Accordingly, claims 5-12, 14, and 16-19 are patentable for depending from patentable independent claims.

The Official Notice Rejection

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

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

The Examiner "cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth factual statements and explanation to such a finding. See MPEP 2144.03(c). Accordingly, for any rejection in view of Official Notice, applicant requests that the Examiner provide a specific reference.

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

Conclusion

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

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge any fees associated with this filing, or credit any overpayments thereon, to Deposit Account No. 50-3855, Order No. JDM/002 CON7.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
731 South Negley, Apt. 2
Pittsburgh, PA 15232
Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal

Application Number:	11841765			
Filing Date:	20-Aug-2007			
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME			
First Named Inventor/Applicant Name:	Jeffrey David Mullen			
Filer:	Jeffrey David Mullen			
Attorney Docket Number:	JDM/002 CON7			
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	EX1002 - Page 140 ²²⁵³	1	555	555

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

Electronic Acknowledgement Receipt

EFS ID:	6700077
Application Number:	11841765
International Application Number:	
Confirmation Number:	2475
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 CON7
Receipt Date:	23-DEC-2009
Filing Date:	20-AUG-2007
Time Stamp:	14:00:09
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	372
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-002CON7--Reply.pdf	80611 9773c81a181d88c4d45b878eccba6fae19f554af	yes	13

Multipart Description/PDF files in .zip description

Document Description	Start	End
Amendment/Req. Reconsideration-After Non-Final Reject	1	1
Claims	2	6
Applicant Arguments/Remarks Made in an Amendment	7	13

Warnings:

Information:

2	Fee Worksheet (PTO-875)	fee-info.pdf	30313 70e0bcda7bdb20651a0efa8d2fc61d1bbaa22f	no	2
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Warnings:

Information:

Total Files Size (in bytes):	110924
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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.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 11/841,765		Filing Date 08/20/2007		☒ 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 (\$)	OR	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)		
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A			N/A			
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	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			N/A			
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$	=		X \$	=		X \$	=		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=		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.												
APPLICATION AS AMENDED – PART II												
(Column 1)			(Column 2)		(Column 3)			SMALL ENTITY OR			OTHER THAN SMALL ENTITY	
AMENDMENT	12/23/2009	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 20	Minus	** 20	= 0	X \$26 =	0		X \$	=		
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	X \$110 =	0		X \$	=		
	☐ Application Size Fee (37 CFR 1.16(s))											
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))											
						TOTAL ADD'L FEE	0		TOTAL ADD'L FEE			
(Column 1)			(Column 2)		(Column 3)			SMALL ENTITY OR			OTHER THAN SMALL ENTITY	
AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$	=		X \$	=		
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$	=		X \$	=		
	☐ Application Size Fee (37 CFR 1.16(s))											
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))											
						TOTAL ADD'L FEE			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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UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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11/841,765

08/20/2007

Jeffrey David Mullen

JDM/002 CON7

2475

32733

7590

03/18/2010

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

EXAMINER

DEANE JR, WILLIAM J

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

03/18/2010

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. 11/841,765	Applicant(s) MULLEN, JEFFREY DAVID	
	Examiner William J. Deane	Art Unit 2614	

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

Period for Reply

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

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

Status

- 1) ☒ Responsive to communication(s) filed on 23 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) 3-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

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

Priority under 35 U.S.C. § 119

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

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

Attachment(s)

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

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 – 4, 9, 15 and 20 - 22 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 – 4, 9, 15 and 20 - 21 such limitations are taught by Bates at paragraphs 0022, 0026 -0028, 0033 – 0035, 0042 – 0047, 0052 – 0054 and 0057 and the Abstract. Note also, Fig. 3.

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.

With respect to claim 22 note paragraph 0057.

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

Art Unit: 2614

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

Claims 5 – 12, 14, 16 – 19 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 claims 5, 8, 10, 13 and with respect to a remote sever or base station; 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 remote sever or base station 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 or base station 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) or base station 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 claims 6 – 7, 11 - 12 and 16 – 17, note paragraph 0052 of Poulin et al.

With respect to claims 9, 14 and 18 and the use of a map note at least the Abstract of Poulin et al. With respect to such limitations as a speaker, microphone and a display that both Bates et al. and Poulin et al. use wireless telephones so such limitations are inherent in both.

With respect to claim 19, note that if one has a map such a limitation is inherent.

Response to Arguments

Applicant's main argument is that Bates does not teach receiving a signal with location information at a device and then providing from the device the signal without the location information. Even if the examiner was wrong, which is not the examiner's belief, such a limitation, among other instant claims, would read on an ordinary wireless phone call. When one makes a wireless call the location of the device is known to the system, however, the system does not pass this along to the called device, it only sends the call signal along, which lets the called device know that a calling party wishes to make a connection. In Bates, a similar thing happens. That is the location information is only passed if the calling has given permission to the system to send the location to the called party. Whether the permissions have been given or not the call signal is still sent.

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

Art Unit: 2614

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.

15Mar2010

/William J Deane/

Primary Examiner, Art Unit 2614

<i>Index of Claims</i> 	Application/Control No. 11841765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID
	Examiner William J Deane	Art Unit 2614

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

☐ Claims renumbered in the same order as presented by applicant		☐ CPA		☐ T.D.		☐ R.1.47			
CLAIM		DATE							
Final	Original	08/26/2008	06/19/2009	03/15/2010					
	1	-							
	2	-							
	3	✓	✓	✓					
	4	✓	✓	✓					
	5	✓	✓	✓					
	6	✓	✓	✓					
	7	✓	✓	✓					
	8	✓	✓	✓					
	9	✓	✓	✓					
	10	✓	✓	✓					
	11	✓	✓	✓					
	12	✓	✓	✓					
	13	✓	✓	✓					
	14	✓	✓	✓					
	15	✓	✓	✓					
	16	✓	✓	✓					
	17	✓	✓	✓					
	18	✓	✓	✓					
	19	✓	✓	✓					
	20	✓	✓	✓					
	21	✓	✓	✓					
	22	✓	✓	✓					

Search Notes 	Application/Control No. 11841765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID
	Examiner William J Deane	Art Unit 2614

SEARCHED			
Class	Subclass	Date	Examiner
	Updated the prior search.	26Aug2008	WJD
	Updated the prior search.	19Jun2009	WJD
	Updated the prior search	15Mar2010	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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

Application Number	11841765	Filing Date	2007-08-20	Docket Number (if applicable)	JDM/002 CON7	Art Unit	2614
First Named Inventor	Jeffrey D. Mullen			Examiner Name	William Dean		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

☐ Other _____

☒ Enclosed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to
Deposit Account No 503855

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☐ Patent Practitioner Signature

☒ Applicant Signature

Applicant Signature			
Applicant 1		Remove	
Signature	/Jeffrey D. Mullen/	Date (YYYY-MM-DD)	2010-09-19
Name	Jeffrey D. Mullen		
Click ADD for additional Applicant Signature			Add

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

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

Privacy Act Statement

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

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/841,765
Confirmation No. : 2475
Filed : August 20, 2007
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450 Pittsburgh, PA 15232
Alexandria, VA 22313-1450 September 19, 2010

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated March 18, 2010. A three-month extension of time and Request for Continued Examination is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 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:
receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device;

storing by said device said location information in a storage device; and

providing said signal from said device to a second wireless telephonic device without said location information.

4. (previously presented) A method comprising:
receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device;

storing by said device said location information in a storage device;

providing said signal from said device to a second wireless telephonic device without said location information;

receiving a request for said location information from a third wireless telephonic device, wherein access rights assigned by said first wireless telephonic device for said third wireless telephonic device are obtained and said location information is

provided to said third wireless telephonic device based on said access rights.

5. (previously presented) The method of claim 3, wherein said device comprises a base station.

6. (previously presented) The method of claim 3, wherein said signal includes a portion of a TDMA signal.

7. (previously presented) The method of claim 3, wherein said signal includes a portion of a CDMA signal.

8. (previously presented) The method of claim 3, wherein said device comprises a base station and said base station stores said location information in a database.

9. (previously presented) The method of claim 3, wherein said third wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

10. (previously presented) The method of claim 4, wherein said device comprises a base station.

11. (previously presented) The method of claim 4, wherein said signal includes a portion of a TDMA signal.

12. (previously presented) The method of claim 4, wherein said signal includes a portion of a CDMA signal.

13. (previously presented) The method of claim 4, wherein said device comprises a base station and said storage device comprises a database.

14. (previously presented) The method of claim 4, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

15. (previously presented) A system comprising:
a first wireless telephonic device;
a second wireless telephonic device; and
a base station for routing a signal between said first wireless telephonic device and said second wireless telephonic device, wherein said base station receives said signal with data representative of the location of said first wireless telephonic device, said base station provides said signal to said second wireless telephonic device without said data representative of the location of said first wireless telephonic device, said base station stores said data representation of the location of said first wireless telephonic device to a storage device, said location is requested by said second wireless telephonic device, location access rights are assigned by said first wireless telephonic device for said second device, and said data representative of the location of the first wireless telephonic device is

provided to said second wireless telephonic device based on said location access rights.

16. (previously presented) The system of claim 15, wherein said signal includes a portion of a TDMA signal.

17. (previously presented) The system of claim 15, wherein said signal includes a portion of a CDMA signal.

18. (previously presented) The system of claim 15, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with the location of said first wireless telephonic device.

19. (previously presented) The system of claim 15, wherein said second wireless telephonic device is associated with a second location, said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays distance information associated with the distance between the location associated with said first wireless telephonic device and a second location.

20. (previously presented) The system of claim 15, wherein the location associated with said first wireless telephonic device is provided to a third wireless device.

21. (previously presented) The system of claim 15, wherein a second location is determined for

said second telephonic wireless device and said first wireless telephonic devices receives said second location.

22. (previously presented) The system of claim 15, wherein said location comprises information retrieved from a positioning system located on said first wireless device.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-22 are pending.

The Examiner rejected claims 3-4, 9, 15, and 20-22 under 35 U.S.C. 102(e) as being anticipated by Bates U.S. Patent Application No. 2009/0029717 (hereinafter "Bates").

Claims 5-12, 14, and 16-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates or in the alternative Bates in view of Poulin U.S. Patent Application No. 2002/0155453 (hereinafter "Poulin").

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the 102(e) Rejections

The Examiner rejected claims 3-4, 9, 15, and 20-22 under 35 U.S.C. 102(e) as being anticipated by Bates.

Applicant discusses a device for receiving a signal with location information, storing this location information, and then providing the signal from the device without the location information.

Bates alleges a portable device that receives a packet that includes a group identifier and group member location. The information is then allegedly utilized.

Claim 3

The Examiner stated that:

"Applicant's ... argument is that Bates does not teach receiving a signal with location information and then providing from the device the signal without the location information. Even if the Examiner is wrong ... such a limitation ... would read on an ordinary wireless phone call." (Office Action, page 4).

The Examiner's argument is irrelevant to applicant's invention of claim 3.

Bates clearly just receives a signal and uses that signal. Thus, Bates is silent on applicant's invention of claim 3. Receiving a signal and using a signal does not show or suggest applicant's invention of claim 3 that includes a device that receives a signal with location information and then provides that signal without location information. Accordingly, the Examiner's rejection under 35 U.S.C. 102(e) is deficient as the Examiner has not met the burden of showing each and every element of applicant's claim in the cited reference.

Furthermore, the Examiner's alleged ordinary phone call is just an ordinary phone call - nothing more, nothing less. No signal is received with the location information by a device where that signal is then provided from that device without the location information as provided in applicant's invention of claim 3.

The Examiner's allegation does not even address receiving a signal, with location information, at a device and then providing that signal from that device without that location information. The Examiner's allegation of the "location of the device [being] ... known to the system" (Office Action, page 4) is irrelevant. Two otherwise different signals or the "location [being]

known to the system" is irrelevant to applicant's invention of claim 3. The Examiner must show the signal being received and provided from a device - where the received signal includes the location information and the provided signal does not.

As shown below in connection with applicant's arguments, the Examiner continues to reject claims without any references whatsoever. The Examiner must provide documentary evidence that shows each and every element of applicant's claim. Else, improper rejections may occur that may unnecessarily delay the prosecution on the merits. If the Examiner believes there is prior art, then applicant invokes his right to require the Examiner to cite that prior art directly - showing each and every element of applicant's claimed invention.

Bates, however, does not show or suggest applicant's invention of claim 3 of receiving a signal at a device from a first wireless telephonic device that includes location information for the first wireless telephonic device and providing the signal from the device to a second wireless telephonic device without the location information.

Bates merely discusses receiving and sending different data packets. Receiving and sending different data packets does not show or suggest - in any way, shape, or form - applicant's invention of claim 3 of a device that receives a signal with the location information of a wireless telephonic device and then sends that signal to another wireless telephonic device without the location information.

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

Claim 4

As shown above, claim 3 is patentable. Claim 4 includes patentable features similar to patentable features included in claims 3. For example, Bates does not show or suggest applicant's invention of claim 4 of receiving a signal at a device from a first wireless telephonic device that includes location information and providing the signal from the device to a second wireless telephonic device without said location information.

Additionally, Bates does not show or suggest applicant's invention of claim 4 of receiving a request for said location information from a third wireless telephonic device. Bates is silent on such requests.

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

Claim 15

As shown above, claims 3 and 4 are patentable. Claim 15 includes patentable features similar to patentable features included in claims 15. For example,, Bates does not show or suggest applicant's invention of claim 15 of a base station for routing a signal between said first wireless telephonic device and said second wireless telephonic device, wherein the base station receives the signal with data representative of the location of said first wireless telephonic device and provides the signal to said second wireless telephonic device without the data representative of the location of said first wireless telephonic device.

Additionally, Bates does not show or suggest applicant's invention of claim 15 of a location that is

requested by said second wireless telephonic device.
Bates is silent on such requests.

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

Applicant's Reply to the 103(a) Rejections

Claims 5-12, 14, and 16-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates or in the alternative Bates in view of Poulin. As shown above, claims 3, 4, and 15 are patentable. Claims 5-12, 14, and 16-19 depend from either claims 3, 4, or 15. Accordingly, claims 5-12, 14, and 16-19 are patentable for depending from patentable independent claims.

The Official Notice Rejection

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

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

The Examiner "cannot simply reach conclusions based on its own understanding or experience - or on its

assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth factual statements and explanation to such a finding. See MPEP 2144.03(c). Accordingly, for any rejection in view of Official Notice, applicant requests that the Examiner provide a specific reference.

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

Conclusion

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

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge any fees associated with this filing, or credit any overpayments thereon, to Deposit Account No. 50-3855, Order No. JDM/002 CON7.

Respectfully Submitted,

/Jeffrey D. Mullen/

Jeffrey D. Mullen

Applicant (Reg. No. 52,056)

Customer No. 32733

731 South Negley, Apt. 2

Pittsburgh, PA 15232

Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal

Application Number:	11841765			
Filing Date:	20-Aug-2007			
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME			
First Named Inventor/Applicant Name:	Jeffrey David Mullen			
Filer:	Jeffrey David Mullen			
Attorney Docket Number:	JDM/002 CON7			
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	EX1002 - Page 168 ²²⁵³	1	555	555

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Request for continued examination	2801	1	405	405
Total in USD (\$)				960

Electronic Acknowledgement Receipt

EFS ID:	8448671
Application Number:	11841765
International Application Number:	
Confirmation Number:	2475
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 CON7
Receipt Date:	19-SEP-2010
Filing Date:	20-AUG-2007
Time Stamp:	22:58:16
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$960
RAM confirmation Number	7361
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-002CON7--RCE.pdf	697273	no	3
			aad1960df344bd9f9c64779d780853960898f4c9		

Warnings:

Information:

2		JDM-002CON7--Reply.pdf	29805	yes	12
			d1075206991382df43ce4311b32d70e6e4feefdd		

	Multipart Description/PDF files in .zip description			
	Document Description		Start	End
	Amendment After Final		1	1
	Claims		2	6
	Applicant Arguments/Remarks Made in an Amendment		7	12

Warnings:

Information:

3	Fee Worksheet (PTO-875)	fee-info.pdf	32373	no	2
			1afb51a51455d57fe23340022c7c66379b20d5d8		

Warnings:

Information:

Total Files Size (in bytes):			759451
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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.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 11/841,765		Filing Date 08/20/2007		☐ 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), (l), 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	09/19/2010	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	* 20	Minus	** 20	= 0	X \$26 =	0	OR	X \$	=
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	X \$110 =	0	OR	X \$	=
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L 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))									
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>										

Legal Instrument Examiner:
/BONNIE PHOENIX/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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11/841,765

08/20/2007

Jeffrey David Mullen

JDM/002 CON7

2475

32733

7590

04/01/2011

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

04/01/2011

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. 11/841,765	Applicant(s) MULLEN, JEFFREY DAVID	
	Examiner William J. Deane	Art Unit 2614	

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

Period for Reply

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

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

Status

- 1) ☒ Responsive to communication(s) filed on 19 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) 3-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

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

Priority under 35 U.S.C. § 119

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

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

Attachment(s)

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

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 negated by the manner in which the invention was made.

Claims 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 20030119522 (Barclay et al.).

With respect to claim 3, note paragraphs 0012, 0015 - 0017, 0023 (inherently the location information is stored, at least for some time, at the service provider or elsewhere on the communication network) if this is not agreed, then it would have been obvious to one of ordinary skill in the art, in light of Barclay et al., to store the information wherever it was deemed necessary ; and providing the signal from the device to a second wireless device without the location information (see Fig. 4 and 0018).

With respect to claims 4, 20 note the above and paragraph 0018.

With respect to claims 5, 8, 10, 13 note T/R 111 (base station), again it would have been obvious to one of ordinary skill in the art to have stored the information wherever it was deemed necessary.

With respect to claims 6, 7, 11, 12, 16, 17 both TDMA and CDMA are notoriously well-known in the art and it would have been obvious to one of ordinary skill in the art to have incorporated such TDMA or CDMA wherever it was deemed necessary.

Art Unit: 2614

With respect to claims 9, 14, 18 and 19 note the use of wireless phones which include speakers, microphone and a display. In addition, note paragraphs 0017 and 0022.

With respect to claim 15, note the rejections above.

With respect to claims 21 and 22, note the above and element 109.

Response to Arguments

Applicant's arguments with respect to claims 3 - 22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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

28Mar2011

/William J Deane/

Primary Examiner, Art Unit 2614

Notice of References Cited	Application/Control No. 11/841,765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID	
	Examiner William J. Deane	Art Unit 2614	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2003/0119522	06-2003	Barclay et al.	455/456
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

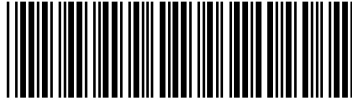
FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

<i>Index of Claims</i> 	Application/Control No. 11841765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID
	Examiner William J Deane	Art Unit 2614

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

☐ Claims renumbered in the same order as presented by applicant		☐ CPA		☐ T.D.		☐ R.1.47			
CLAIM		DATE							
Final	Original	08/26/2008	06/19/2009	03/15/2010	03/28/2011				
	1	-							
	2	-							
	3	✓	✓	✓	✓				
	4	✓	✓	✓	✓				
	5	✓	✓	✓	✓				
	6	✓	✓	✓	✓				
	7	✓	✓	✓	✓				
	8	✓	✓	✓	✓				
	9	✓	✓	✓	✓				
	10	✓	✓	✓	✓				
	11	✓	✓	✓	✓				
	12	✓	✓	✓	✓				
	13	✓	✓	✓	✓				
	14	✓	✓	✓	✓				
	15	✓	✓	✓	✓				
	16	✓	✓	✓	✓				
	17	✓	✓	✓	✓				
	18	✓	✓	✓	✓				
	19	✓	✓	✓	✓				
	20	✓	✓	✓	✓				
	21	✓	✓	✓	✓				
	22	✓	✓	✓	✓				

Search Notes 	Application/Control No. 11841765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID
	Examiner William J Deane	Art Unit 2614

SEARCHED			
Class	Subclass	Date	Examiner
	Updated the prior search.	26Aug2008	WJD
	Updated the prior search.	19Jun2009	WJD
	Updated the prior search	15Mar2010	WJD
	Updated the above search	27Mar2011	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/841,765
Confirmation No. : 2475
Filed : August 20, 2007
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450 Pittsburgh, PA 15232
Alexandria, VA 22313-1450 October 3, 2011

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated March 18, 2010. A three-month extension of time is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 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:
receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device;

storing by said device said location information in a storage device; and

providing said signal from said device to a second wireless telephonic device without said location information.

4. (previously presented) A method comprising:
receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device;

storing by said device said location information in a storage device;

providing said signal from said device to a second wireless telephonic device without said location information;

receiving a request for said location information from a third wireless telephonic device, wherein access rights assigned by said first wireless telephonic device for said third wireless telephonic device are obtained and said location information is

provided to said third wireless telephonic device based on said access rights.

5. (previously presented) The method of claim 3, wherein said device comprises a base station.

6. (previously presented) The method of claim 3, wherein said signal includes a portion of a TDMA signal.

7. (previously presented) The method of claim 3, wherein said signal includes a portion of a CDMA signal.

8. (previously presented) The method of claim 3, wherein said device comprises a base station and said base station stores said location information in a database.

9. (previously presented) The method of claim 3, wherein said third wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

10. (previously presented) The method of claim 4, wherein said device comprises a base station.

11. (previously presented) The method of claim 4, wherein said signal includes a portion of a TDMA signal.

12. (previously presented) The method of claim 4, wherein said signal includes a portion of a CDMA signal.

13. (previously presented) The method of claim 4, wherein said device comprises a base station and said storage device comprises a database.

14. (previously presented) The method of claim 4, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

15. (previously presented) A system comprising:
a first wireless telephonic device;
a second wireless telephonic device; and
a base station for routing a signal between said first wireless telephonic device and said second wireless telephonic device, wherein said base station receives said signal with data representative of the location of said first wireless telephonic device, said base station provides said signal to said second wireless telephonic device without said data representative of the location of said first wireless telephonic device, said base station stores said data representation of the location of said first wireless telephonic device to a storage device, said location is requested by said second wireless telephonic device, location access rights are assigned by said first wireless telephonic device for said second device, and said data representative of the location of the first wireless telephonic device is

provided to said second wireless telephonic device based on said location access rights.

16. (previously presented) The system of claim 15, wherein said signal includes a portion of a TDMA signal.

17. (previously presented) The system of claim 15, wherein said signal includes a portion of a CDMA signal.

18. (previously presented) The system of claim 15, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with the location of said first wireless telephonic device.

19. (previously presented) The system of claim 15, wherein said second wireless telephonic device is associated with a second location, said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays distance information associated with the distance between the location associated with said first wireless telephonic device and a second location.

20. (previously presented) The system of claim 15, wherein the location associated with said first wireless telephonic device is provided to a third wireless device.

21. (previously presented) The system of claim 15, wherein a second location is determined for

said second telephonic wireless device and said first wireless telephonic devices receives said second location.

22. (previously presented) The system of claim 15, wherein said location comprises information retrieved from a positioning system located on said first wireless device.

23. (new) The method of claim 3, wherein said signal is a phone burst signal that includes synchronization information and additional information.

24. (new) The method of claim 4, wherein said signal is a phone burst signal that includes synchronization information and additional information.

25. (new) The system of claim 15, wherein said signal is a phone burst signal that includes synchronization information and additional information.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-22 are pending.

The Examiner rejected claims 3-22 under 35 103(a) as being unpatentable by Barclays U.S. Patent Application No. 2003/0119522 (hereinafter "Barclays").

Summary of Applicant's Amendments

Applicant has added new claims 23-25 in order to more particularly point out and distinctly claim the subject matter that applicant regards as the invention.

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the 103(1) Rejections

The Examiner rejected claims 3-22 under 35 103(a) as being unpatentable by Barclays.

Applicant discusses a device for receiving a signal with location information, storing this location information, and then providing the signal from the device without the location information.

Bates alleges a portable device that receives a packet that includes a group identifier and group member location. The information is then allegedly utilized.

Claim 3

The Examiner stated that:

"inherently the location information is stored, at least for some time, at the service provider or elsewhere on the communication network) if this is not agreed, then it would have been obvious to one of ordinary skill in the art, in light of Barclay et al., to store the information wherever it was deemed necessary; and providing the signal from the device to a second wireless device without the location information." (Office Action, page 2).

The Examiner's argument is absurd. As Barclay's does not discuss practically any elements of applicant's invention of claim 3, the Examiner has functionally just made a 103(a) obvious rejection without using a single reference.

Applicant's invention of claim 3 does not merely include storing information. Applicant's invention of claim 3 includes a first wireless telephonic device, a device, and a second wireless telephonic device. The device receives a signal from a first wireless telephonic device that includes location information for said first wireless telephonic device, the location information is stored, and then the signal is provided to a second wireless device without the location information.

Barclay does not show or suggest such a feature. When information is not required in the Barclay system, no information is allegedly utilized. Furthermore, applicant's invention of claim 3 includes that the signal received for the device is the signal that is also provided to the second wireless telephonic device - without the location information.

Applicant's invention of claim 3 provides a number of advantageous functionalities due to this advantageous structure. For example, the device receives

the signal and location information regardless of whether or not the location information is desired, or operable to be provided, to another device. In doing so, intelligence does not have to, for example, reach the first wireless telephonic device.

The Examiner's allegation does not even address receiving a signal, with location information, at a device and then providing that signal from that device without that location information. The Examiner must show the signal being received and provided from a device - where the received signal includes the location information and the provided signal does not.

As shown below in connection with applicant's arguments, the Examiner continues to reject claims without any references whatsoever. The Examiner must provide documentary evidence that shows each and every element of applicant's claim. Else, improper rejections may occur that may unnecessarily delay the prosecution on the merits. If the Examiner believes there is prior art, then applicant invokes his right to require the Examiner to cite that prior art directly - showing each and every element of applicant's claimed invention.

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

Claim 4

As shown above, claim 3 is patentable. Claim 4 includes patentable features similar to patentable features included in claims 3. For example, Barclay does not show or suggest applicant's invention of claim 4 of receiving a signal at a device from a first wireless telephonic device that includes location information and

providing the signal from the device to a second wireless telephonic device without said location information.

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

Claim 15

As shown above, claims 3 and 4 are patentable. Claim 15 includes patentable features similar to patentable features included in claims 15. For example, Barclay does not show or suggest applicant's invention of claim 15 of a base station for routing a signal between said first wireless telephonic device and said second wireless telephonic device, wherein the base station receives the signal with data representative of the location of said first wireless telephonic device and provides the signal to said second wireless telephonic device without the data representative of the location of said first wireless telephonic device.

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

The Official Notice Rejection

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

For rejections under 35 U.S.C. § 103(a), the Examiner has the burden of showing each and every element of applicant's invention in the prior art combination. MPEP § 2144.03 requires that the facts of which notice are being taken be capable of instant and unquestionable demonstration as being well known in the art. See *In re*

Ahlert, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). Applicant believes that the “facts” of which the Examiner may have taken Official Notice do not meet that standard, and invoke his right under MPEP § 2144.03 to have the Examiner provide documentary proof that those facts are actually well known.

The Examiner “cannot simply reach conclusions based on its own understanding or experience – or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings.” *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth factual statements and explanation to such a finding. See MPEP 2144.03(c). Accordingly, for any rejection in view of Official Notice, applicant requests that the Examiner provide a specific reference.

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

New Claims 23-31

New claims 23-25 depend from one of claims 3, 4, and 15. As shown above, claims 3, 4, and 15 are patentable. Accordingly, applicant respectfully submits that claims 23-25 are patentable for depending from claims 3, 4, and 15.

Conclusion

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

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge any fees associated with this filing, or credit any overpayments thereon, to Deposit Account No. 50-3855, Order No. JDM/002 CON7.

Respectfully Submitted,

/Jeffrey D. Mullen/

Jeffrey D. Mullen

Applicant (Reg. No. 52,056)

Customer No. 32733

731 South Negley, Apt. 2

Pittsburgh, PA 15232

Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal

Application Number:	11841765			
Filing Date:	20-Aug-2007			
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME			
First Named Inventor/Applicant Name:	Jeffrey David Mullen			
Filer:	Jeffrey David Mullen			
Attorney Docket Number:	JDM/002 CON7			
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:				
Claims in excess of 20	2202	3	30	90
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:	EX1002 - Page 193			

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 3 months with \$0 paid	2253	1	635	635
Miscellaneous:				
Total in USD (\$)				725

Electronic Acknowledgement Receipt

EFS ID:	11099047
Application Number:	11841765
International Application Number:	
Confirmation Number:	2475
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 CON7
Receipt Date:	03-OCT-2011
Filing Date:	20-AUG-2007
Time Stamp:	15:05:18
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$725
RAM confirmation Number	1342
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-002CON7--Reply.pdf	28755 6adb11e3c6c2c361e34c3e088168a2f3daca20f6	yes	12

Multipart Description/PDF files in .zip description

Document Description	Start	End
Amendment/Req. Reconsideration-After Non-Final Reject	1	1
Claims	2	6
Applicant Arguments/Remarks Made in an Amendment	7	12

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	32266 d8bd058fd7360f23191d3e2b683dd23bb169122c	no	2
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Warnings:

Information:

Total Files Size (in bytes):	61021
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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.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 11/841,765		Filing Date 08/20/2007		☐ 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), (l), 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(j))	minus 20 =	*	X \$	=		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))										
			TOTAL			TOTAL				
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	10/03/2011	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 23	Minus	** 20	= 3	X \$30 =	90		X \$ =	
	Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	X \$125 =	0		X \$ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
						TOTAL ADD'L FEE	90		TOTAL ADD'L FEE	
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 \$ =			X \$ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =			X \$ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
						TOTAL ADD'L FEE			TOTAL ADD'L FEE	
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>										

Legal Instrument Examiner:
/STELLA LITTLE/

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

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,765	08/20/2007	Jeffrey David Mullen	JDM/002 CON7	2475

32733 7590 12/06/2011
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
-----------	---------------

12/06/2011

PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	11/841,765	MULLEN, JEFFREY DAVID	
	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 03 October 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-25 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-25 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) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) | 5) ☐ Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) ☐ Other: ____. |

DETAILED ACTION

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.

Claim 3 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,324, 832 (Rosen et al.).

With respect to claim 3, note Col. 2, lines 23 – 63.

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 negated by the manner in which the invention was made.

Claims 3 - 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 20030119522 (Barclay et al.) in view of U.S. Patent No. 7,324, 832 (Rosen et al.).

With respect to claim 3, note paragraphs 0012, 0015 - 0017, 0023 (inherently the location information is stored, at least for some time, at the service provider or elsewhere on the communication network) if this is not agreed, then it would have been

Art Unit: 2614

obvious to one of ordinary skill in the art, in light of Barclay et al., to store the information wherever it was deemed necessary ; and providing the signal from the device to a second wireless device without the location information (see Fig. 4 and 0018). It is believed that the signal in Barclay carries the location information (see Fig. 1). If this is not agreed, note Col. 2, lines 23 – 63 of Rosen et al. It would have been obvious to one of ordinary skill in the art to have incorporated such a signal carrying the location information as disclosed by Rosen et al. into the Barclay et al. system as just another means of getting the location information to the next platform.

With respect to claims 4, 20 note the above and paragraph 0018.

With respect to claims 5, 8, 10, 13 note T/R 111 (base station); again it would have been obvious to one of ordinary skill in the art to have stored the information wherever it was deemed necessary.

With respect to claims 6, 7, 11, 12, 16, 17 both TDMA and CDMA are notoriously well-known in the art and it would have been obvious to one of ordinary skill in the art to have incorporated such TDMA or CDMA wherever it was deemed necessary.

With respect to claims 9, 14, 18 and 19 note the use of wireless phones which include speakers, microphone and a display. In addition, note paragraphs 0017 and 0022.

With respect to claim 15, note the rejections above.

With respect to claims 21 and 22, note the above and element 109.

Claims 23 - 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 20030119522 (Barclay et al.) in view of U.S. Patent No. 7,324, 832 (Rosen et al.) and further in view of U.S. Patent No. 6,078,578 (Matsumoto).

Barclay et al. and Rosen et al. do not specifically disclose a burst signal with synchronization information and additional information. However, note that Matsumoto discloses such at Fig. 3. This is a TDMA signal (see Abstract) and as stated above it would have been obvious to one of ordinary skill in the art to have incorporated TDMA or CDMA where ever it was deemed necessary. It is noted that TDMA and CDMA are cell phone burst standards.

Response to Arguments

Applicant's arguments with respect to claims 3 - 25 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 Figs and Abstracts of the additional references cited on the accompanying 892.

Art Unit: 2614

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.

02Dec2011

/William J Deane/

Primary Examiner, Art Unit 2614

Notice of References Cited	Application/Control No. 11/841,765		Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID	
	Examiner WILLIAM DEANE JR		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-2002/0141434	10-2002	Grundvig et al.	370/442
*	B	US-7,324,823	01-2008	Rosen et al.	455/456.1
*	C	US-7,130,630	10-2006	Enzmann et al.	455/435.1
*	D	US-6,647,257	11-2003	Owensby, Craig A.	455/414.1
*	E	US-6,215,863	04-2001	Bennett et al.	379/221.09
*	F	US-6,078,578	06-2000	Matsumoto, Mariko	370/350
	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.

<i>Index of Claims</i> 	Application/Control No. 11841765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID
	Examiner William J Deane	Art Unit 2614

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

☐ Claims renumbered in the same order as presented by applicant		☐ CPA		☐ T.D.		☐ R.1.47			
CLAIM		DATE							
Final	Original	08/26/2008	06/19/2009	03/15/2010	03/28/2011	12/02/2011			
	1	-							
	2	-							
	3	✓	✓	✓	✓	✓			
	4	✓	✓	✓	✓	✓			
	5	✓	✓	✓	✓	✓			
	6	✓	✓	✓	✓	✓			
	7	✓	✓	✓	✓	✓			
	8	✓	✓	✓	✓	✓			
	9	✓	✓	✓	✓	✓			
	10	✓	✓	✓	✓	✓			
	11	✓	✓	✓	✓	✓			
	12	✓	✓	✓	✓	✓			
	13	✓	✓	✓	✓	✓			
	14	✓	✓	✓	✓	✓			
	15	✓	✓	✓	✓	✓			
	16	✓	✓	✓	✓	✓			
	17	✓	✓	✓	✓	✓			
	18	✓	✓	✓	✓	✓			
	19	✓	✓	✓	✓	✓			
	20	✓	✓	✓	✓	✓			
	21	✓	✓	✓	✓	✓			
	22	✓	✓	✓	✓	✓			
	23					✓			
	24					✓			
	25					✓			

Search Notes 	Application/Control No. 11841765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID
	Examiner William J Deane	Art Unit 2614

SEARCHED			
Class	Subclass	Date	Examiner
	Updated the prior search.	26Aug2008	WJD
	Updated the prior search.	19Jun2009	WJD
	Updated the prior search	15Mar2010	WJD
	Updated the above search	27Mar2011	WJD
	Updated the search above	02Dec2011	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/841,765
Confirmation No. : 2475
Filed : August 20, 2007
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450 Pittsburgh, PA 15232
Alexandria, VA 22313-1450 June 6, 2012

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated March 18, 2010. A three-month extension of time is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 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:
receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device;

storing by said device said location information in a storage device; and

providing said signal from said device to a second wireless telephonic device without said location information.

4. (previously presented) A method comprising:
receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device;

storing by said device said location information in a storage device;

providing said signal from said device to a second wireless telephonic device without said location information;

receiving a request for said location information from a third wireless telephonic device, wherein access rights assigned by said first wireless telephonic device for said third wireless telephonic device are obtained and said location information is

provided to said third wireless telephonic device based on said access rights.

5. (previously presented) The method of claim 3, wherein said device comprises a base station.

6. (previously presented) The method of claim 3, wherein said signal includes a portion of a TDMA signal.

7. (previously presented) The method of claim 3, wherein said signal includes a portion of a CDMA signal.

8. (previously presented) The method of claim 3, wherein said device comprises a base station and said base station stores said location information in a database.

9. (previously presented) The method of claim 3, wherein said third wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

10. (previously presented) The method of claim 4, wherein said device comprises a base station.

11. (previously presented) The method of claim 4, wherein said signal includes a portion of a TDMA signal.

12. (previously presented) The method of claim 4, wherein said signal includes a portion of a CDMA signal.

13. (previously presented) The method of claim 4, wherein said device comprises a base station and said storage device comprises a database.

14. (previously presented) The method of claim 4, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

15. (previously presented) A system comprising:
a first wireless telephonic device;
a second wireless telephonic device; and
a base station for routing a signal between said first wireless telephonic device and said second wireless telephonic device, wherein said base station receives said signal with data representative of the location of said first wireless telephonic device, said base station provides said signal to said second wireless telephonic device without said data representative of the location of said first wireless telephonic device, said base station stores said data representation of the location of said first wireless telephonic device to a storage device, said location is requested by said second wireless telephonic device, location access rights are assigned by said first wireless telephonic device for said second device, and said data representative of the location of the first wireless telephonic device is

provided to said second wireless telephonic device based on said location access rights.

16. (previously presented) The system of claim 15, wherein said signal includes a portion of a TDMA signal.

17. (previously presented) The system of claim 15, wherein said signal includes a portion of a CDMA signal.

18. (previously presented) The system of claim 15, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with the location of said first wireless telephonic device.

19. (previously presented) The system of claim 15, wherein said second wireless telephonic device is associated with a second location, said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays distance information associated with the distance between the location associated with said first wireless telephonic device and a second location.

20. (previously presented) The system of claim 15, wherein the location associated with said first wireless telephonic device is provided to a third wireless device.

21. (previously presented) The system of claim 15, wherein a second location is determined for

said second telephonic wireless device and said first wireless telephonic devices receives said second location.

22. (previously presented) The system of claim 15, wherein said location comprises information retrieved from a positioning system located on said first wireless device.

23. (previously presented) The method of claim 3, wherein said signal is a phone burst signal that includes synchronization information and additional information.

24. (previously presented) The method of claim 4, wherein said signal is a phone burst signal that includes synchronization information and additional information.

25. (previously presented) The system of claim 15, wherein said signal is a phone burst signal that includes synchronization information and additional information.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-22 are pending.

The Examiner rejected claims 3 under 35 102(e) as being unpatentable by Rosen U.S. Patent Application No. 7,324,823 (hereinafter "Rosen").

The Examiner rejected claims 3-22 under 35 102(e) as being unpatentable over Barclay U.S. Patent Application No. 20030119522 (hereinafter "Barclay") in view of Rosen.

Summary of Applicant's Amendments

Applicant has added new claims 23-25 in order to more particularly point out and distinctly claim the subject matter that applicant regards as the invention.

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the 102(e) Rejections

The Examiner rejected claim 3 under 35 USC 102€ as being unpatentable over Rosen.

The Examiner stated:

"With respect to claim 3, note Col. 2, lines 23-63" (Office Action, page 2)

Rosen, however, merely alleges that the "telephone call ... and the location information related to the call..." Rosen, cols. 39-41. Accordingly, Rosen is silent on applicant's invention of claim 3 of a signal that includes location information and providing the signal

without the location information. Rosen alleges two different communications.

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

Applicant's Reply to the 103(a) Rejections

The Examiner rejected claims 3-22 under 35 103(a) as being unpatentable by Barclays and Rosen.

Applicant discusses a device for receiving a signal with location information, storing this location information, and then providing the signal from the device without the location information.

Claim 3

The Examiner stated that:

"inherently the location information is stored, at least for some time, at the service provider or elsewhere on the communication network) if this is not agreed, then it would have been obvious to one of ordinary skill in the art, in light of Barclay et al., to store the information wherever it was deemed necessary; and providing the signal from the device to a second wireless device without the location information." (Office Action, pages 2-3).

The Examiner's argument is without merit. As Barclay's does not discuss practically any elements of applicant's invention of claim 3, the Examiner has functionally just made a 103(a) obvious rejection without using a single reference.

Applicant's invention of claim 3 does not merely including storing information. Applicant's invention of claim 3 includes a first wireless telephonic device, a device, and a second wireless telephonic device. The device receives a signal from a first

wireless telephonic device that includes location information for said first wireless telephonic device, the location information is stored, and then the signal is provided to a second wireless device without the location information.

Barclay does not show or suggest such a feature. As shown above, Rosen also does not show or suggest such a feature. Accordingly, neither Rosen nor Barclay, used either alone or in combination, show or suggest such a feature.

When information is not required in the Barclay system, no information is allegedly utilized. Furthermore, applicant's invention of claim 3 includes that the signal received for the device is the signal that is also provided to the second wireless telephonic device - without the location information.

Applicant's invention of claim 3 provides a number of advantageous functionalities due to this advantageous structure. For example, the device receives the signal and location information regardless of whether or not the location information is desired, or operable to be provided, to another device. In doing so, intelligence does not have to, for example, reach the first wireless telephonic device.

The Examiner's allegation does not even address receiving a signal, with location information, at a device and then providing that signal from that device without that location information. The Examiner must show the signal being received and provided from a device - where the received signal includes the location information and the provided signal does not.

As shown below in connection with applicant's arguments, the Examiner continues to reject claims without any references whatsoever. The Examiner must

provide documentary evidence that shows each and every element of applicant's claim. Else, improper rejections may occur that may unnecessarily delay the prosecution on the merits. If the Examiner believes there is prior art, then applicant invokes his right to require the Examiner to cite that prior art directly - showing each and every element of applicant's claimed invention.

Furthermore, Rosen and Barclay directly teach away from one another. The Examiner cannot pick and choose unrelated elements of unrelated applications and stitch them together, in hindsight, to create an entirely new device neither shown nor suggested by the individual devices. In doing so, the Examiner merely creates an inoperable device while eviscerating the spirit of the individual devices.

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

Claim 4

As shown above, claim 3 is patentable. Claim 4 includes patentable features similar to patentable features included in claims 3. For example, Barclay does not show or suggest applicant's invention of claim 4 of receiving a signal at a device from a first wireless telephonic device that includes location information and providing the signal from the device to a second wireless telephonic device without said location information.

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

Claim 15

As shown above, claims 3 and 4 are patentable. Claim 15 includes patentable features similar to patentable features included in claims 15. For example, Barclay does not show or suggest applicant's invention of claim 15 of a base station for routing a signal between said first wireless telephonic device and said second wireless telephonic device, wherein the base station receives the signal with data representative of the location of said first wireless telephonic device and provides the signal to said second wireless telephonic device without the data representative of the location of said first wireless telephonic device.

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

The Official Notice Rejection

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

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

The Examiner "cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth factual statements and explanation to such a finding. See MPEP 2144.03(c). Accordingly, for any rejection in view of Official Notice, applicant requests that the Examiner provide a specific reference.

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

Conclusion

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

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge any fees associated with this filing, or credit any overpayments thereon, to Deposit Account No. 50-3855, Order No. JDM/002 CON7.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
731 South Negley, Apt. 2
Pittsburgh, PA 15232
Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal

Application Number:	11841765			
Filing Date:	20-Aug-2007			
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME			
First Named Inventor/Applicant Name:	Jeffrey David Mullen			
Filer:	Jeffrey David Mullen			
Attorney Docket Number:	JDM/002 CON7			
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	EX1002 - Page 219 ²²⁵³	1	635	635

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				635

Electronic Acknowledgement Receipt

EFS ID:	12944485
Application Number:	11841765
International Application Number:	
Confirmation Number:	2475
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 CON7
Receipt Date:	06-JUN-2012
Filing Date:	20-AUG-2007
Time Stamp:	10:40:06
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$635
RAM confirmation Number	8671
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-002CON7--Reply.pdf	30119 d5d7240e712512f444b58bf21254a08a3f8d f97b	yes	12

	Multipart Description/PDF files in .zip description			
	Document Description	Start	End	
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1	
	Claims	2	7	
	Applicant Arguments/Remarks Made in an Amendment	8	12	

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	30420 d8d72bc2ce661d1a702b0ebc5475ba1a80 434591	no	2
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Warnings:

Information:

Total Files Size (in bytes):			60539
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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.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 11/841,765		Filing Date 08/20/2007		☐ 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 (\$)	OR	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), (l), 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(j))	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))										
			TOTAL			TOTAL				
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	06/06/2012	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 23	Minus	** 23	= 0	X \$30 =	0	OR	X \$	=
	Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 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	
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$	=	OR	X \$	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$	=	OR	X \$	=
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>										

Legal Instrument Examiner:
/MYRTLE LEIGH/

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.
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11/841,765

08/20/2007

Jeffrey David Mullen

JDM/002 CON7

2475

32733

7590

08/27/2012

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

08/27/2012

PAPER

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

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

Office Action Summary	Application No. 11/841,765	Applicant(s) MULLEN, JEFFREY DAVID	
	Examiner WILLIAM DEANE JR	Art Unit 2614	

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

Period for Reply

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

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

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2012.
- 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) 3-25 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) 3-25 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) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) | 5) ☐ Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) ☐ Other: ____. |

DETAILED ACTION

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.

Claim 3 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,324, 832 (Rosen et al.).

With respect to claim 3, note Col. 2, line 23 – Col. 3, line 13. Note Fig. 1, wireless device 101, a device (the telecom network 103) and additional wireless devices 106 or 107.

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 negated by the manner in which the invention was made.

Claims 3 - 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 20030119522 (Barclay et al.) in view of U.S. Patent No. 7,324, 832 (Rosen et al.).

With respect to claim 3, note paragraphs 0012, 0015 - 0017, 0023 (inherently the location information is stored, at least for some time, at the service provider or elsewhere on the communication network) if this is not agreed, then it would have been obvious to one of ordinary skill in the art, in light of Barclay et al., to store the information wherever it was deemed necessary ; and providing the signal from the device to a second wireless device without the location information (see Fig. 4 and 0018). It is believed that the signal in Barclay carries the location information (see Fig. 1). If this is not agreed, note Col. 2, lines 23 – 63 of Rosen et al. It would have been obvious to one of ordinary skill in the art to have incorporated such a signal carrying the location information as disclosed by Rosen et al. into the Barclay et al. system as just another means of getting the location information to the next platform.

With respect to claims 4, 20 note the above and paragraph 0018.

With respect to claims 5, 8, 10, 13 note T/R 111 (base station); again it would have been obvious to one of ordinary skill in the art to have stored the information wherever it was deemed necessary.

With respect to claims 6, 7, 11, 12, 16, 17 both TDMA and CDMA are notoriously well-known in the art and it would have been obvious to one of ordinary skill in the art to have incorporated such TDMA or CDMA wherever it was deemed necessary.

With respect to claims 9, 14, 18 and 19 note the use of wireless phones which include speakers, microphone and a display. In addition, note paragraphs 0017 and 0022.

With respect to claim 15, note the rejections above.

With respect to claims 21 and 22, note the above and element 109.

Claims 23 - 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 20030119522 (Barclay et al.) in view of U.S. Patent No. 7,324, 832 (Rosen et al.) and further in view of U.S. Patent No. 6,078,578 (Matsumoto).

Barclay et al. and Rosen et al. do not specifically disclose a burst signal with synchronization information and additional information. However, note that Matsumoto discloses such at Fig. 3. This is a TDMA signal (see Abstract) and as stated above it would have been obvious to one of ordinary skill in the art to have incorporated TDMA or CDMA where ever it was deemed necessary. It is noted that TDMA and CDMA are cell phone burst standards.

Response to Arguments

Applicant's arguments filed 06/06/2012 have been fully considered but are not deemed persuasive to any error in the rejections above.

Applicant's main argument is not understood. The examiner believes that Applicant on page 7 is saying that the call does not have the location information therein and therefore, Rosen et al. do not read on applicant's claims 3 and 4. The examiner disagrees. Col. 2, lines 44 – 48 discloses that the location information is included with the call. In addition, Col. 3, lines 5 – 13, discloses that the call is forwarded with or without the location information. Additionally, note step 301 of Fig. 3. In Fig 1, note that the signal (not two) with location information is received at the network. The network then provides the signal with or without the location information to the wireless devices 106 and/or 107.

Conclusion

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

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Deane whose telephone number is 571-272-7484. The examiner can normally be reached on Monday - FRIDAY from 9:00 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The official fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. However, unofficial faxes can be direct to the examiners computer at 571 273 - 7484.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Art Unit: 2614

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).

24Aug2012

/William J Deane/

Primary Examiner, Art Unit 2614

Notice of References Cited	Application/Control No. 11/841,765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID	
	Examiner WILLIAM DEANE JR	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-2009/0197612	08-2009	Kiiskinen, Arto	455/456.1
*	B	US-2004/0033795	02-2004	Walsh et al.	455/404.1
	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.

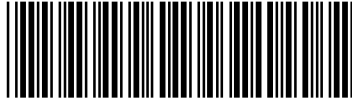
Search Notes 	Application/Control No. 11841765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID
	Examiner William J Deane	Art Unit 2614

SEARCHED			
Class	Subclass	Date	Examiner
	Updated the prior search.	26Aug2008	WJD
	Updated the prior search.	19Jun2009	WJD
	Updated the prior search	15Mar2010	WJD
	Updated the above search	27Mar2011	WJD
	Updated the search above	02Dec2011	WJD
	Updated the prior search above	24Aug2012	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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<i>Index of Claims</i> 	Application/Control No. 11841765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID
	Examiner William J Deane	Art Unit 2614

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

☐ Claims renumbered in the same order as presented by applicant		☐ CPA		☐ T.D.		☐ R.1.47			
CLAIM		DATE							
Final	Original	08/26/2008	06/19/2009	03/15/2010	03/28/2011	12/02/2011	08/24/2012		
	1	-	-	-	-	-	-		
	2	-	-	-	-	-	-		
	3	✓	✓	✓	✓	✓	✓		
	4	✓	✓	✓	✓	✓	✓		
	5	✓	✓	✓	✓	✓	✓		
	6	✓	✓	✓	✓	✓	✓		
	7	✓	✓	✓	✓	✓	✓		
	8	✓	✓	✓	✓	✓	✓		
	9	✓	✓	✓	✓	✓	✓		
	10	✓	✓	✓	✓	✓	✓		
	11	✓	✓	✓	✓	✓	✓		
	12	✓	✓	✓	✓	✓	✓		
	13	✓	✓	✓	✓	✓	✓		
	14	✓	✓	✓	✓	✓	✓		
	15	✓	✓	✓	✓	✓	✓		
	16	✓	✓	✓	✓	✓	✓		
	17	✓	✓	✓	✓	✓	✓		
	18	✓	✓	✓	✓	✓	✓		
	19	✓	✓	✓	✓	✓	✓		
	20	✓	✓	✓	✓	✓	✓		
	21	✓	✓	✓	✓	✓	✓		
	22	✓	✓	✓	✓	✓	✓		
	23					✓	✓		
	24					✓	✓		
	25					✓	✓		

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

Application Number	11841765	Filing Date	2007-08-20	Docket Number (if applicable)	JDM/002CON7	Art Unit	2614
First Named Inventor	Jeffrey D. Mullen			Examiner Name	Dean Jr. William J		

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

Applicant Signature			
Applicant 1		Remove	
Signature	/Jeffrey D. Mullen/	Date (YYYY-MM-DD)	2013-02-27
Name	Jeffrey D. Mullen		
Click ADD for additional Applicant Signature			Add

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

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

Privacy Act Statement

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

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/841,765
Confirmation No. : 2475
Filed : August 20, 2007
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Pittsburgh, PA 15232
February 27, 2013

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated August 27, 2012. A three-month extension of time and a Request for Continued Examination is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 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:
receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device, wherein said signal is provided by said first wireless telephonic device as a phone burst signal that includes an additional data portion;

storing by said device said location information in a storage device; and

providing said signal from said device to a second wireless telephonic device without said location information.

4. (previously presented) A method comprising:
receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device and said signal is provided by said first wireless telephonic device as a phone burst signal that includes an additional data portion;

storing by said device said location information in a storage device;

providing said signal from said device to a second wireless telephonic device without said location information;

receiving a request for said location information from a third wireless telephonic device, wherein access rights assigned by said first wireless telephonic device for said third wireless telephonic device are obtained and said location information is provided to said third wireless telephonic device based on said access rights.

5. (previously presented) The method of claim 3, wherein said device comprises a base station.

6. (previously presented) The method of claim 3, wherein said signal includes a portion of a TDMA signal.

7. (previously presented) The method of claim 3, wherein said signal includes a portion of a CDMA signal.

8. (previously presented) The method of claim 3, wherein said device comprises a base station and said base station stores said location information in a database.

9. (previously presented) The method of claim 3, wherein said third wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

10. (previously presented) The method of claim 4, wherein said device comprises a base station.

11. (previously presented) The method of claim 4, wherein said signal includes a portion of a TDMA signal.

12. (previously presented) The method of claim 4, wherein said signal includes a portion of a CDMA signal.

13. (previously presented) The method of claim 4, wherein said device comprises a base station and said storage device comprises a database.

14. (previously presented) The method of claim 4, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

15. (currently amended) A system comprising:
a first wireless telephonic device;
a second wireless telephonic device; and
a base station for routing a signal between said first wireless telephonic device and said second wireless telephonic device, wherein said first wireless telephonic device provides said signal as a phone burst signal that includes an additional data portion, said base station receives said signal with data representative of the location of said first wireless telephonic device, said base station provides said signal to said second wireless telephonic device without said data representative of the location of said first wireless telephonic device, said base station stores said data representation of the location of said first wireless telephonic device to a storage device, said

location is requested by said second wireless telephonic device, location access rights are assigned by said first wireless telephonic device for said second device, and said data representative of the location of the first wireless telephonic device is provided to said second wireless telephonic device based on said location access rights.

16. (previously presented) The system of claim 15, wherein said signal includes a portion of a TDMA signal.

17. (previously presented) The system of claim 15, wherein said signal includes a portion of a CDMA signal.

18. (previously presented) The system of claim 15, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with the location of said first wireless telephonic device.

19. (previously presented) The system of claim 15, wherein said second wireless telephonic device is associated with a second location, said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays distance information associated with the distance between the location associated with said first wireless telephonic device and a second location.

20. (previously presented) The system of claim 15, wherein the location associated with said first

wireless telephonic device is provided to a third wireless device.

21. (previously presented) The system of claim 15, wherein a second location is determined for said second telephonic wireless device and said first wireless telephonic devices receives said second location.

22. (previously presented) The system of claim 15, wherein said location comprises information retrieved from a positioning system located on said first wireless device.

23. (currently amended) The method of claim 3, wherein said signal ~~is a phone burst signal that~~ includes synchronization information ~~and additional information.~~

24. (currently amended) The method of claim 4, wherein said signal ~~is a phone burst signal that~~ includes synchronization information ~~and additional information.~~

25. (currently amended) The system of claim 15, wherein said signal ~~is a phone burst signal that~~ includes synchronization information ~~and additional information.~~

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-22 are pending.

The Examiner rejected claims 3-22 under 35 103(a) as being unpatentable over Barclay U.S. Patent Application No. 20030119522 (hereinafter "Barclay") in view of Rosen.

The Examiner rejected claims 23-25 under 35 103(a) as being unpatentable over Barclay and Rosen and further in view of Matsumoto U.S. Patent No. 6,078,578 (hereinafter "Matsumoto").

Summary of Applicant's Amendments

Applicant has amended claims 3, 4, 15, and 23-25 to more particularly point out and distinctly claim the subject matter that applicant regards as the invention.

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the 103(a) Rejections

The Examiner rejected claims 3-22 under 35 103(a) as being unpatentable by Barclays and Rosen.

Applicant discusses a wireless device for providing a signal as a phone burst signal that includes an additional data portion, a device for receiving a signal with location information, storing this location information, and then providing the signal from the device without the location information.

The Examiner stated:

"Col. 2, lines 44-48 discloses that the location information is included with the call. In addition, Col. 3, lines 5-13, discloses that the call is forwarded with or without location information" (Office Action, page 4)

Including information with a call, however, is irrelevant. A call may include multiple different segments communicated in different manners. Rosen merely alleges the "telephone call ... and the location information related to the call..." Rosen, col 2., 39-41.

Accordingly, Rosen is silent on applicant's invention of claim 3 of a phone burst signal that includes location information and providing the signal without the location information. Rosen alleges two different communications. And, Rosen cannot be combined with any reference that does not have this structure as Rosen directly teaches away from such a combination.

Furthermore, neither Rosen nor Barclay, used either alone or in combination, show or suggest such a feature. When information is not required in the Barclay system, no information is allegedly utilized.

Applicant's invention of claim 3 includes that the signal received for the device is the signal that is also provided to the second wireless telephonic device - without the location information.

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

Claim 4

As shown above, claim 3 is patentable. Claim 4 includes patentable features similar to patentable features included in claims 3. For example, Barclay does not show or suggest applicant's invention of claim 4 of providing a phone burst signal from a wireless device, receiving a signal at a device from a first wireless telephonic device that includes location information, and providing the signal from the device to a second wireless telephonic device without said location information.

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

Claim 15

As shown above, claims 3 and 4 are patentable. Claim 15 includes patentable features similar to patentable features included in claims 15. For example, Barclay does not show or suggest applicant's invention of claim 15 of a base station for routing a signal between said first wireless telephonic device and said second wireless telephonic device, the wireless device provides the signal as a burst signal, the base station receives the signal with data representative of the location of said first wireless telephonic device and provides the signal to said second wireless telephonic device without the data representative of the location of said first wireless telephonic device.

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

The Dependent Claim Rejections

The Examiner rejected claims 23-25 under 35 103(a) as being unpatentable over Barclay and Rosen and further in view of Matsumoto.

As shown above, claims 3, 4, and 15 are patentable. Claims 23-25 depend from claim 3, 4, or 15. Accordingly, claims 23-25 are patentable for depending from a patentable base claim.

In light of the foregoing, applicant respectfully submits that the Examiner's rejection of claims 23-25 be withdrawn.

The Official Notice Rejection

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

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

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

personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth factual statements and explanation to such a finding. See MPEP 2144.03(c). Accordingly, for any rejection in view of Official Notice, applicant requests that the Examiner provide a specific reference.

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

Conclusion

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

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge any fees associated with this filing, or credit any overpayments thereon, to Deposit Account No. 50-3855, Order No. JDM/002 CON7.

Respectfully Submitted,
/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
1310 Riverfront Drive
Pittsburgh, PA 15238
Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal

Application Number:	11841765			
Filing Date:	20-Aug-2007			
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME			
First Named Inventor/Applicant Name:	Jeffrey David Mullen			
Filer:	Jeffrey David Mullen			
Attorney Docket Number:	JDM/002 CON7			
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	EX1002 - Page 248 ²²⁵³	1	645	645

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Request for continued examination	2801	1	465	465
Total in USD (\$)				1110

Electronic Acknowledgement Receipt

EFS ID:	15069232
Application Number:	11841765
International Application Number:	
Confirmation Number:	2475
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 CON7
Receipt Date:	27-FEB-2013
Filing Date:	20-AUG-2007
Time Stamp:	16:45:06
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$1110
RAM confirmation Number	4643
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-002CON7--RCE.pdf	697798	no	3
			3495318e75c48d08f399d41179989efac2b1281d		

Warnings:

Information:

2		JDM-002CON7--Reply.pdf	126590	yes	11
			168c7627b925fd9390d750db93e0b83004847c50		

Multipart Description/PDF files in .zip description

	Document Description	Start	End
	Amendment After Final	1	1
	Claims	2	6
	Applicant Arguments/Remarks Made in an Amendment	7	11

Warnings:

Information:

3	Fee Worksheet (SB06)	fee-info.pdf	32136	no	2
			5448ca4da878630b7e10bd49576e825f865913f3		

Warnings:

Information:

Total Files Size (in bytes):			856524
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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.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 11/841,765		Filing Date 08/20/2007		☐ 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 (\$)	OR	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), (l), 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(j))	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.										
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	02/27/2013	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 23	Minus	** 23	=	0	OR	X \$	=	
	Independent (37 CFR 1.16(h))	* 3	Minus	***3	=	0	OR	X \$	=	
☐ Application Size Fee (37 CFR 1.16(s))										
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
					TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE		
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=		OR	X \$	=	
	Independent (37 CFR 1.16(h))	*	Minus	***	=		OR	X \$	=	
☐ Application Size Fee (37 CFR 1.16(s))										
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE		
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>										

Legal Instrument Examiner:
/DELEACHES YOUNG/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,765	08/20/2007	Jeffrey David Mullen	JDM/002 CON7	2475

32733 7590 07/09/2013
JEFFREY D. MULLEN
1310 Riverfront Drive
PITTSBURGH, PA 15238

EXAMINER

DEANE JR, WILLIAM J

ART UNIT	PAPER NUMBER
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2652

MAIL DATE	DELIVERY MODE
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07/09/2013

PAPER

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

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

Office Action Summary	Application No. 11/841,765	Applicant(s) MULLEN, JEFFREY DAVID	
	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 27 February 2013.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 3-25 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) 3-25 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) | 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 4) ☐ 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 negated by the manner in which the invention was made.

Claims 3 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,324, 832 (Rosen et al.) in view of U.S. Patent No. 6,078,578 (Matsumoto)

With respect to claim 3, note Col. 2, line 23 – Col. 3, line 13. Note Fig. 1, wireless device 101, a device (the telecom network 103) and additional wireless devices 106 or 107.

With respect to the burst signal and synchronization information, Rosen et al. do not teach burst signals. First TDMA and CDMA are notoriously old in the art and it would have been obvious to have incorporated such whenever or wherever it was deemed necessary. In addition, note that Matsumoto teaches burst signals in Fig. 3. This is a TDMA signal (see Abstract) and as stated above, it would have been obvious to one of ordinary skill in the art to have incorporated TDMA or CDMA wherever it was deemed necessary. It is noted that such TDMA and CDMA are cell burst standards.

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:

Art Unit: 2652

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

Claims 3 - 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 20030119522 (Barclay et al.) in view of U.S. Patent No. 7,324, 832 (Rosen et al.) and further in view of U.S. Patent No. 6,078,578 (Matsumoto).

With respect to claims 3 and 23 note paragraphs 0012, 0015 - 0017, 0023 (inherently the location information is stored, at least for some time, at the service provider or elsewhere on the communication network) if this is not agreed, then it would have been obvious to one of ordinary skill in the art, in light of Barclay et al., to store the information wherever it was deemed necessary ; and providing the signal from the device to a second wireless device without the location information (see Fig. 4 and 0018). It is believed that the signal in Barclay carries the location information (see Fig. 1). If this is not agreed, note Col. 2, lines 23 – 63 of Rosen et al. It would have been obvious to one of ordinary skill in the art to have incorporated such a signal carrying the location information as disclosed by Rosen et al. into the Barclay et al. system as just another means of getting the location information to the next platform.

With respect to the burst signal and synchronization information, Rosen et al. do not teach burst signals. First TDMA and CDMA are notoriously old in the art and it would have been obvious to have incorporated such whenever or wherever it was deemed necessary. In addition, note that Matsumoto teaches burst signals in Fig. 3. This is a TDMA signal (see Abstract) and as stated above, it would have been obvious to one of ordinary skill in the art to have incorporated TDMA or CDMA wherever it was

Art Unit: 2652

deemed necessary. It is noted that such TDMA and CDMA are cell burst standards. Therefore, it would have been obvious to have incorporated such burst signals as taught by Matsumoto into the Barclay et al./Rosen et al. system as such would only entail the substitution or addition of one signal type for another.

With respect to claims 4, 20 and 24, note the above and paragraph 0018.

With respect to claims 5, 8, 10, 13 note T/R 111 (base station); again it would have been obvious to one of ordinary skill in the art to have stored the information wherever it was deemed necessary.

With respect to claims 6, 7, 11, 12, 16, 17 both TDMA and CDMA are notoriously well-known in the art and it would have been obvious to one of ordinary skill in the art to have incorporated such TDMA or CDMA wherever it was deemed necessary.

With respect to claims 9, 14, 18 and 19 note the use of wireless phones which include speakers, microphone and a display. In addition, note paragraphs 0017 and 0022.

With respect to claims 15 and 25, note the rejections above.

With respect to claims 21 and 22, note the above and element 109.

Response to Arguments

Applicant's arguments with respect to claims 3 - 25 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).

30Jun2013

/William J Deane/

Primary Examiner, Art Unit 2652

Notice of References Cited	Application/Control No. 11/841,765		Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID	
	Examiner WILLIAM DEANE JR		Art Unit 2652	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,725,032	04-2004	Sheridan et al.	455/419
*	B	US-6,716,101	04-2004	Meadows et al.	455/456.1
*	C	US-6,662,614	12-2003	Lim, Sang-Won	72/186
*	D	US-2004/0077359	04-2004	Bernas et al.	455/456.1
*	E	US-6,999,777	02-2006	Ganesh, Rajamani	455/456.1
*	F	US-7,248,872	07-2007	Bassett et al.	455/433
	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.

<i>Index of Claims</i> 	Application/Control No. 11841765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID
	Examiner William J Deane	Art Unit 2614

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

☐ Claims renumbered in the same order as presented by applicant		☐ CPA		☐ T.D.		☐ R.1.47				
CLAIM		DATE								
Final	Original	08/26/2008	06/19/2009	03/15/2010	03/28/2011	12/02/2011	08/24/2012	06/30/2013		
	1	-	-	-	-	-	-	-		
	2	-	-	-	-	-	-	-		
	3	✓	✓	✓	✓	✓	✓	✓		
	4	✓	✓	✓	✓	✓	✓	✓		
	5	✓	✓	✓	✓	✓	✓	✓		
	6	✓	✓	✓	✓	✓	✓	✓		
	7	✓	✓	✓	✓	✓	✓	✓		
	8	✓	✓	✓	✓	✓	✓	✓		
	9	✓	✓	✓	✓	✓	✓	✓		
	10	✓	✓	✓	✓	✓	✓	✓		
	11	✓	✓	✓	✓	✓	✓	✓		
	12	✓	✓	✓	✓	✓	✓	✓		
	13	✓	✓	✓	✓	✓	✓	✓		
	14	✓	✓	✓	✓	✓	✓	✓		
	15	✓	✓	✓	✓	✓	✓	✓		
	16	✓	✓	✓	✓	✓	✓	✓		
	17	✓	✓	✓	✓	✓	✓	✓		
	18	✓	✓	✓	✓	✓	✓	✓		
	19	✓	✓	✓	✓	✓	✓	✓		
	20	✓	✓	✓	✓	✓	✓	✓		
	21	✓	✓	✓	✓	✓	✓	✓		
	22	✓	✓	✓	✓	✓	✓	✓		
	23					✓	✓	✓		
	24					✓	✓	✓		
	25					✓	✓	✓		

Search Notes 	Application/Control No. 11841765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID
	Examiner William J Deane	Art Unit 2614

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
	Updated the prior search.	26Aug2008	WJD
	Updated the prior search.	19Jun2009	WJD
	Updated the prior search	15Mar2010	WJD
	Updated the above search	27Mar2011	WJD
	Updated the search above	02Dec2011	WJD
	Updated the prior search above	24Aug2012	WJD
	Updated the prior search	30Jun2013	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

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

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/841,765
Confirmation No. : 2475
Filed : August 20, 2007
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Pittsburgh, PA 15232
November 12, 2013

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated July 9, 2013. A one-month extension of time is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/841,765
Confirmation No. : 2475
Filed : August 20, 2007
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Pittsburgh, PA 15232
November 12, 2013

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated July 9, 2013. A one-month extension of time is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 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:
receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device, wherein said signal is provided by said first wireless telephonic device as a phone burst signal that includes an additional data portion;

storing by said device said location information in a storage device; and

providing said signal from said device to a second wireless telephonic device without said location information.

4. (previously presented) A method comprising:
receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device and said signal is provided by said first wireless telephonic device as a phone burst signal that includes an additional data portion;

storing by said device said location information in a storage device;

providing said signal from said device to a second wireless telephonic device without said location information;

receiving a request for said location information from a third wireless telephonic device, wherein access rights assigned by said first wireless telephonic device for said third wireless telephonic device are obtained and said location information is provided to said third wireless telephonic device based on said access rights.

5. (previously presented) The method of claim 3, wherein said device comprises a base station.

6. (previously presented) The method of claim 3, wherein said signal includes a portion of a TDMA signal.

7. (previously presented) The method of claim 3, wherein said signal includes a portion of a CDMA signal.

8. (previously presented) The method of claim 3, wherein said device comprises a base station and said base station stores said location information in a database.

9. (previously presented) The method of claim 3, wherein said third wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

10. (previously presented) The method of claim 4, wherein said device comprises a base station.

11. (previously presented) The method of claim 4, wherein said signal includes a portion of a TDMA signal.

12. (previously presented) The method of claim 4, wherein said signal includes a portion of a CDMA signal.

13. (previously presented) The method of claim 4, wherein said device comprises a base station and said storage device comprises a database.

14. (previously presented) The method of claim 4, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

15. (previously presented) A system comprising:
a first wireless telephonic device;
a second wireless telephonic device; and
a base station for routing a signal between said first wireless telephonic device and said second wireless telephonic device, wherein said first wireless telephonic device provides said signal as a phone burst signal that includes an additional data portion, said base station receives said signal with data representative of the location of said first wireless telephonic device, said base station provides said signal to said second wireless telephonic device without said data representative of the location of said first wireless telephonic device, said base station stores said data representation of the location of said first

wireless telephonic device to a storage device, said location is requested by said second wireless telephonic device, location access rights are assigned by said first wireless telephonic device for said second device, and said data representative of the location of the first wireless telephonic device is provided to said second wireless telephonic device based on said location access rights.

16. (previously presented) The system of claim 15, wherein said signal includes a portion of a TDMA signal.

17. (previously presented) The system of claim 15, wherein said signal includes a portion of a CDMA signal.

18. (previously presented) The system of claim 15, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with the location of said first wireless telephonic device.

19. (previously presented) The system of claim 15, wherein said second wireless telephonic device is associated with a second location, said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays distance information associated with the distance between the location associated with said first wireless telephonic device and a second location.

20. (previously presented) The system of claim 15, wherein the location associated with said first wireless telephonic device is provided to a third wireless device.

21. (previously presented) The system of claim 15, wherein a second location is determined for said second telephonic wireless device and said first wireless telephonic devices receives said second location.

22. (previously presented) The system of claim 15, wherein said location comprises information retrieved from a positioning system located on said first wireless device.

23. (previously presented) The method of claim 3, wherein said signal includes synchronization information.

24. (previously presented) The method of claim 4, wherein said signal includes synchronization information.

25. (previously presented) The system of claim 15, wherein said signal includes synchronization information.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-22 are pending.

The Examiner rejected claims 3 and 23 were rejected under 35 103(a) as being unpatentable over Rosen U.S. Patent No. 7,324,832 (hereinafter "Rosen") in view of U.S. Patent No. 6,078,578 (hereinafter "Matsumoto").

The Examiner rejected claims 3-25 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 20030119522 (hereinafter "Barclay") in view of Rosen and further in view of Matsumoto.

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the 103(a) Rejections

The Examiner rejected claims 3 and 23 were rejected under 35 103(a) as being unpatentable over Rosen in view of Matsumoto.

The Examiner stated:

"Rosen ... do not teach burst signals ... Matsumoto teaches burst signals"
(Office Action, page 2)

Applicant's claim 3, however, does not just include a burst signal.

Applicant's previously amended claim 3 includes receiving on a device from a first telephonic device a burst signal having location

information and an additional data portion and providing the signal from the device to a second wireless telephonic device without the location information.

Rosen merely alleges the "telephone call ... and the location information related to the call..." See Rosen, col 2., 39-41.

Rosen not only is silent on applicant's structure and function, but Rosen is also silent on claim 3 of a receiving a signal that includes location information and an addition data portion and then providing the signal without the location information.

Matsumoto does not correct for either of these Rosen deficiencies. In fact, Matsumoto, like Rosen, does not even include a burst signal with location information and an additional data portion. Matsumoto merely includes Matsumoto's sync, system information area, address area, message area, and sync. See Matsumoto, FIG. 3. It has long been held that particular data stored in memory is a structural attribute of the memory. Applicant's claim 3 is not structurally shown by either Matsumoto or Rosen, used either alone or in combination, and has a different function as a result of the difference in structure. Accordingly, applicant's claim 3 is patentable.

Furthermore, Matsumoto, like Rosen, does not show or suggest claim 3 having a device receiving location and additional data from a first telephonic device and providing a signal from the device to a second telephonic device without the location.

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

Applicant's Reply to the 103(a) Rejections

The Examiner rejected claims 3-25 under 35 103(a) as being unpatentable by Barclays, Rosen, and Matsumoto.

Claim 3

As shown above, claim 3 is patentable in view of Matsumoto and Rosen. Neither Matsumoto nor Rosen show, used either alone or in combination, or suggest claim 3 of a burst signal with location information and an additional data portion. Neither Matsumoto nor Rosen, used either alone or in combination, show or suggest claim 3 of a device receiving location and additional data from a first telephonic device and providing a signal from the device to a second telephonic device without the location.

Barclays does not correct for these deficiencies. Barclays also does not show or suggest, used either alone or in combination, claim 3 of a burst signal with location information and an additional data portion. Barclays also does not show or suggest, used either alone or in combination, claim 3 of a device receiving location and additional data from a first telephonic device and providing a signal from the device to a second telephonic device without the location.

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

Claim 4

As shown above, claim 3 is patentable. Claim 4 includes patentable features similar to patentable features included in claims 3. For example, none of the references, used either alone or in combination, show or suggest applicant's invention of claim 4 of providing a phone burst signal from a wireless device, receiving a signal at a device from a first wireless telephonic device that includes location information, and providing the signal from the device to a second wireless telephonic device without said location information.

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

Claim 15

As shown above, claims 3 and 4 are patentable. Claim 15 includes patentable features similar to patentable features included in claims 15. For example, none of the references, used either alone or in combination, show or suggest applicant's invention of claim 15 of a base station for routing a signal between said first wireless telephonic device and said second wireless telephonic device, the wireless device provides the signal as a burst signal, the base station receives the signal with data representative of the location of said first wireless telephonic device and provides the signal to said second wireless telephonic device without the data representative of the location of said first wireless telephonic device.

In light of the foregoing, applicant respectfully submits that the Examiner's rejection of

claim 15, and any claims dependent therefrom, be withdrawn.

The Dependent Claim Rejections

The Examiner rejected claims 5-14 and 16-25 under 35 103(a) as being unpatentable over Barclay and Rosen and further in view of Matsumoto. As shown above, claims 3, 4, and 15 are patentable. Claims 5-14 and 16-25 depend from claim 3, 4, or 15. Accordingly, claims 5-14 and 16-25 are patentable for depending from a patentable base claim.

In light of the foregoing, applicant respectfully submits that the Examiner's rejection of claims 5-14 and 16-25 be withdrawn.

The Official Notice Rejection

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

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

The Examiner "cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some

concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth factual statements and explanation to such a finding. See MPEP 2144.03(c). Accordingly, for any rejection in view of Official Notice, applicant requests that the Examiner provide a specific reference.

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

Conclusion

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

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge any fees associated with this filing, or credit any overpayments thereon, to Deposit Account No. 50-3855, Order No. JDM/002 CON7.

Respectfully Submitted,
/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
1310 Riverfront Drive
Pittsburgh, PA 15238
Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal

Application Number:	11841765			
Filing Date:	20-Aug-2007			
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME			
First Named Inventor/Applicant Name:	Jeffrey David Mullen			
Filer:	Jeffrey David Mullen			
Attorney Docket Number:	JDM/002 CON7			
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 - 1 month with \$0 paid	EX1002 - Page 276 ²²⁵¹	1	100	100

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				100

Electronic Acknowledgement Receipt

EFS ID:	17371178
Application Number:	11841765
International Application Number:	
Confirmation Number:	2475
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 CON7
Receipt Date:	12-NOV-2013
Filing Date:	20-AUG-2007
Time Stamp:	01:14:32
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$ 100
RAM confirmation Number	18056
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-002CON7--Reply.pdf	138856 01e5974dfca7620e8be4cae671ffc58b2cd2f e98	yes	12

Multipart Description/PDF files in .zip description

Document Description	Start	End
Amendment/Req. Reconsideration-After Non-Final Reject	1	1
Claims	2	6
Applicant Arguments/Remarks Made in an Amendment	7	12

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	30280 bd690bb3f4eac414f0fb444dfd1f09817695 5c5b	no	2
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Warnings:

Information:

Total Files Size (in bytes):	169136
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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.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 11/841,765		Filing Date 08/20/2007		☐ To be Mailed	
ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO									
APPLICATION AS FILED – PART I									
(Column 1)		(Column 2)							
FOR		NUMBER FILED		NUMBER EXTRA		RATE (\$)		FEE (\$)	
☒ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A		N/A		N/A		150	
☐ 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		150	
APPLICATION AS AMENDED – PART II									
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT	11/12/2013	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 23	Minus	** 23	= 0	X \$40 =		0	
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	X \$210 =		0	
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE		0	
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =			
	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			
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>									

LIE
/GLORIA TRAMMELL/

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.
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11/841,765

08/20/2007

Jeffrey David Mullen

JDM/002 CON7

2475

32733

7590

02/20/2014

JEFFREY D. MULLEN
1310 Riverfront Drive
PITTSBURGH, PA 15238

EXAMINER

DEANE JR, WILLIAM J

ART UNIT

PAPER NUMBER

2652

MAIL DATE

DELIVERY MODE

02/20/2014

PAPER

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

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

Office Action Summary	Application No. 11/841,765	Applicant(s) MULLEN, JEFFREY DAVID	
	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 11/12/2013.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

- 5) ☒ Claim(s) 3-25 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) 3-25 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) | 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date ____. | 4) ☐ Other: ____. |

The present application is being examined under the pre-AIA first to invent provisions.

Quick Note

Applicant has requested an Interview and stated that he would like to look at all the case he has pending with the examiner and that he would call and setup a date and time. No call has been received. The applicant is reminded that the examiner has certain constraints with respect to timing of completing Office Actions. Therefore, the examiner waited until almost the last minute to get this Office Action done and such is presented below.

Both Applicant and examiner agreed that looking at all the pending applications would be beneficial and hopes applicant will call upon receiving this Office Action and set up a time to discuss the case and the other cases that are pending. Time is running out on those pending cases also.

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 negated by the manner in which the invention was made.

Claims 3 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,324, 832 (Rosen et al.) in view of U.S. Patent No. 6,078,578 (Matsumoto) and U.S. Patent No. 6,377,565 (Puckette, IV).

With respect to claim 3, note Col. 2, line 23 – Col. 3, line 13. Note Fig. 1, wireless device 101, a device (the telecom network 103) and additional wireless devices 106 or 107.

With respect to the burst signal and synchronization information, Rosen et al. do not teach burst signals. First TDMA and CDMA are notoriously old in the art and it would have been obvious to have incorporated such whenever or wherever it was deemed necessary. In addition, note that Matsumoto teaches burst signals in Fig. 3. This is a TDMA signal (see Abstract) and as stated above, it would have been obvious to one of ordinary skill in the art to have incorporated TDMA or CDMA wherever it was deemed necessary. It is noted that such TDMA and CDMA are cell burst standards.

With respect to the ability to have location information and additional data portion, note Fig. 1 of Puckette, IV. Note the sync, data, sync, data portions and compare to applicant's Fig. 18. Note the use of location data throughout Puckette, IV and in Rosen et al. Therefore, it would have been obvious to one of ordinary skill in the art to have incorporated such additional data as disclosed by Puckette, IV into the Rosen et al. / Matsumoto system as such would only entail the substitution of one data portion for another.

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 negated by the manner in which the invention was made.

Claims 3 - 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 20030119522 (Barclay et al.) in view of U.S. Patent No. 7,324, 832 (Rosen et al.) and further in view of U.S. Patent No. 6,078,578 (Matsumoto) and Puckette IV.

With respect to claims 3 and 23 note paragraphs 0012, 0015 - 0017, 0023 (inherently the location information is stored, at least for some time, at the service provider or elsewhere on the communication network) if this is not agreed, then it would have been obvious to one of ordinary skill in the art, in light of Barclay et al., to store the information wherever it was deemed necessary ; and providing the signal from the device to a second wireless device without the location information (see Fig. 4 and 0018). It is believed that the signal in Barclay carries the location information (see Fig. 1). If this is not agreed, note Col. 2, lines 23 – 63 of Rosen et al. It would have been obvious to one of ordinary skill in the art to have incorporated such a signal carrying the location information as disclosed by Rosen et al. into the Barclay et al. system as just another means of getting the location information to the next platform.

With respect to the burst signal and synchronization information, Rosen et al. do not teach burst signals. First TDMA and CDMA are notoriously old in the art and it would have been obvious to have incorporated such whenever or wherever it was deemed necessary. In addition, note that Matsumoto teaches burst signals in Fig. 3. This is a TDMA signal (see Abstract) and as stated above, it would have been obvious to one of ordinary skill in the art to have incorporated TDMA or CDMA wherever it was deemed necessary. It is noted that such TDMA and CDMA are cell burst standards.

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Therefore, it would have been obvious to have incorporated such burst signals as taught by Matsumoto into the Barclay et al./Rosen et al. system as such would only entail the substitution or addition of one signal type for another.

With respect to the ability to have location information and additional data portion, note Fig. 1 of Puckette, IV. Note the sync, data, sync, data portions and compare to applicant's Fig. 18. Note the use of location data throughout Puckette, IV and in Rosen et al. Therefore, it would have been obvious to one of ordinary skill in the art to have incorporated such additional data as disclosed by Puckette, IV into the Barclay et al./Rosen et al./ Matsumoto system as such would only entail the substitution of one data portion for another.

With respect to claims 4, 20 and 24, note the above and paragraph 0018.

With respect to claims 5, 8, 10, 13 note T/R 111 (base station); again it would have been obvious to one of ordinary skill in the art to have stored the information wherever it was deemed necessary.

With respect to claims 6, 7, 11, 12, 16, 17 both TDMA and CDMA are notoriously well-known in the art and it would have been obvious to one of ordinary skill in the art to have incorporated such TDMA or CDMA wherever it was deemed necessary.

With respect to claims 9, 14, 18 and 19 note the use of wireless phones which include speakers, microphone and a display. In addition, note paragraphs 0017 and 0022.

With respect to claims 15 and 25, note the rejections above.

With respect to claims 21 and 22, note the above and element 109.

Response to Arguments

Applicant's arguments with respect to claims 3 - 25 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

Application/Control Number: 11/841,765

Page 7

Art Unit: 2652

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

16Feb2014

/WILLIAM DEANE JR/

Primary Examiner, Art Unit 2652

Notice of References Cited	Application/Control No. 11/841,765		Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID	
	Examiner WILLIAM DEANE JR		Art Unit 2652	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,377,565	04-2002	Puckette, IV, Charles McDonald	370/337
*	B	US-6,564,064	05-2003	Ciganer et al.	455/456.1
*	C	US-6,275,544	08-2001	Aiello et al.	375/326
*	D	US-5,889,474	03-1999	LaDue, Christoph K.	340/8.1
*	E	US-5,987,019	11-1999	Raith et al.	370/347
*	F	US-2005/0097595	05-2005	Lipsanen et al.	725/025
*	G	US-2001/0055328	12-2001	DOWLING, JOSEPH	375/130
	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. 11841765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID
	Examiner William J Deane	Art Unit 2614

CPC- SEARCHED		
Symbol	Date	Examiner

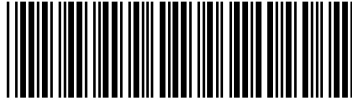
CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
	Updated the prior search.	26Aug2008	WJD
	Updated the prior search.	19Jun2009	WJD
	Updated the prior search	15Mar2010	WJD
	Updated the above search	27Mar2011	WJD
	Updated the search above	02Dec2011	WJD
	Updated the prior search above	24Aug2012	WJD
	Updated the prior search	30Jun2013	WJD
	updated the search	16Feb2014	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

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

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<i>Index of Claims</i> 	Application/Control No. 11841765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID
	Examiner William J Deane	Art Unit 2614

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

☐ Claims renumbered in the same order as presented by applicant											☐ CPA											☐ T.D.											☐ R.1.47										
CLAIM		DATE																																									
Final	Original	08/26/2008	06/19/2009	03/15/2010	03/28/2011	12/02/2011	08/24/2012	06/30/2013	02/16/2014																																		
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	19	✓	✓	✓	✓	✓	✓	✓	✓																																		
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	22	✓	✓	✓	✓	✓	✓	✓	✓																																		
	23					✓	✓	✓	✓																																		
	24					✓	✓	✓	✓																																		
	25					✓	✓	✓	✓																																		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/841,765
Confirmation No. : 2475
Filed : August 20, 2007
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Pittsburgh, PA 15232
August 20, 2014

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated February 20, 2014. A three-month extension of time is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 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:
receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device, wherein said signal is provided by said first wireless telephonic device as a phone burst signal that includes an additional data portion;

storing by said device said location information in a storage device; and

providing said signal from said device to a second wireless telephonic device without said location information.

4. (previously presented) A method comprising:
receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device and said signal is provided by said first wireless telephonic device as a phone burst signal that includes an additional data portion;

storing by said device said location information in a storage device;

providing said signal from said device to a second wireless telephonic device without said location information;

receiving a request for said location information from a third wireless telephonic device, wherein access rights assigned by said first wireless telephonic device for said third wireless telephonic device are obtained and said location information is provided to said third wireless telephonic device based on said access rights.

5. (previously presented) The method of claim 3, wherein said device comprises a base station.

6. (previously presented) The method of claim 3, wherein said signal includes a portion of a TDMA signal.

7. (previously presented) The method of claim 3, wherein said signal includes a portion of a CDMA signal.

8. (previously presented) The method of claim 3, wherein said device comprises a base station and said base station stores said location information in a database.

9. (previously presented) The method of claim 3, wherein said third wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

10. (previously presented) The method of claim 4, wherein said device comprises a base station.

11. (previously presented) The method of claim 4, wherein said signal includes a portion of a TDMA signal.

12. (previously presented) The method of claim 4, wherein said signal includes a portion of a CDMA signal.

13. (previously presented) The method of claim 4, wherein said device comprises a base station and said storage device comprises a database.

14. (previously presented) The method of claim 4, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

15. (previously presented) A system comprising:
a first wireless telephonic device;
a second wireless telephonic device; and
a base station for routing a signal between said first wireless telephonic device and said second wireless telephonic device, wherein said first wireless telephonic device provides said signal as a phone burst signal that includes an additional data portion, said base station receives said signal with data representative of the location of said first wireless telephonic device, said base station provides said signal to said second wireless telephonic device without said data representative of the location of said first wireless telephonic device, said base station stores said data representation of the location of said first

wireless telephonic device to a storage device, said location is requested by said second wireless telephonic device, location access rights are assigned by said first wireless telephonic device for said second device, and said data representative of the location of the first wireless telephonic device is provided to said second wireless telephonic device based on said location access rights.

16. (previously presented) The system of claim 15, wherein said signal includes a portion of a TDMA signal.

17. (previously presented) The system of claim 15, wherein said signal includes a portion of a CDMA signal.

18. (previously presented) The system of claim 15, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with the location of said first wireless telephonic device.

19. (previously presented) The system of claim 15, wherein said second wireless telephonic device is associated with a second location, said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays distance information associated with the distance between the location associated with said first wireless telephonic device and a second location.

20. (previously presented) The system of claim 15, wherein the location associated with said first wireless telephonic device is provided to a third wireless device.

21. (previously presented) The system of claim 15, wherein a second location is determined for said second telephonic wireless device and said first wireless telephonic devices receives said second location.

22. (previously presented) The system of claim 15, wherein said location comprises information retrieved from a positioning system located on said first wireless device.

23. (previously presented) The method of claim 3, wherein said signal includes synchronization information.

24. (previously presented) The method of claim 4, wherein said signal includes synchronization information.

25. (previously presented) The system of claim 15, wherein said signal includes synchronization information.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-22 are pending.

The Examiner rejected claims 3 and 23 were rejected under 35 103(a) as being unpatentable over Rosen U.S. Patent No. 7,324,832 (hereinafter "Rosen") in view of U.S. Patent No. 6,078,578 (hereinafter "Matsumoto") and Puckette U.S. Patent No. 6,377,565 (hereinafter "Puckette").

The Examiner rejected claims 3-22 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 20030119522 (hereinafter "Barclay") in view of Rosen and further in view of Matsumoto and further still in view of Puckette.

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the 103(a) Rejections

The Examiner rejected claims 3 and 23 were rejected under 35 103(a) as being unpatentable over Rosen in view of Matsumoto and further in view of Puckette.

Neither Matsumoto nor Rosen show or suggest claim 3 of a burst signal with location information for a first wireless device and an additional data portion.

Similarly, neither Matsumoto nor Rosen, show or suggest claim 3 of a device receiving

location and additional data from a first telephonic device and providing a signal from the device to a second telephonic device without the location.

The Examiner stated:

"Note the sync, data, sync, data portions ...
note the use of location data throughout
Puckette"
(Office Action, page 7)

Puckette, even when combined with Matsumoto and Rosen, do not correct for the deficiencies of Matsumoto and Rosen.

Puckette alleges base station location provided in a signal. Puckette gathers distance information from multiple sources in order to provide a propagation delay adjustment so that communications can be communicated between an airborne vehicle and a ground-based vehicle. All data is then communicated to the delay unit.

Puckette, like Rosen and Matsumoto, does not provide claim 3 of location information from a wireless device - let alone then providing the signal from said device to a second wireless telephonic device without the location information.

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

Applicant's Reply to the 103(a) Rejections

The Examiner rejected claims 3-25 under 35 103(a) as being unpatentable by Barclays, Rosen, Matsumoto, and Puckette.

Claim 3

As shown above, claim 3 is patentable in view of Matsumoto and Rosen and Puckette.

None of the references, used either alone or in combination, show or suggest claim 3 of a burst signal with location information of a first wireless telephonic device and an additional data portion and a device receiving location and additional data from the first wireless telephonic device and providing a signal from the device to a second telephonic device without the location.

Barclays does not correct for these deficiencies. Barclays also does not show or suggest, used either alone or in combination, claim 3 of a burst signal with location information and an additional data portion. Barclays also does not show or suggest, used either alone or in combination, claim 3 of a device receiving location and additional data from a first telephonic device and providing a signal from the device to a second telephonic device without the location.

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

Claim 4

As shown above, claim 3 is patentable. Claim 4 includes patentable features similar to patentable features included in claims 3. For example, none of the references, used either alone or in combination, show or suggest applicant's invention of claim 4 of providing a phone burst signal from a wireless device, receiving a signal at a device from a first wireless telephonic device that includes location information, and providing the signal from the device to a second wireless telephonic device without said location information.

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

Claim 15

As shown above, claims 3 and 4 are patentable. Claim 15 includes patentable features similar to patentable features included in claims 15. For example, none of the references, used either alone or in combination, show or suggest applicant's invention of claim 15 of a base station for routing a signal between said first wireless telephonic device and said second wireless telephonic device, the wireless device provides the signal as a burst signal, the base station receives the signal with data representative of the location of said first wireless telephonic device and provides the signal to said second wireless telephonic device without the data representative of the location of said first wireless telephonic device.

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

The Dependent Claim Rejections

The Examiner rejected claims 5-14 and 16-25 under 35 103(a) as being unpatentable over Barclay and Rosen and further in view of Matsumoto and Puckette. As shown above, claims 3, 4, and 15 are patentable. Claims 5-14 and 16-25 depend from claim 3, 4, or 15. Accordingly, claims 5-14 and 16-25 are patentable for depending from a patentable base claim.

In light of the foregoing, applicant respectfully submits that the Examiner's rejection of claims 5-14 and 16-25 be withdrawn.

The Official Notice Rejection

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

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

The Examiner "cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth factual statements and explanation to such a finding. See MPEP 2144.03(c). Accordingly, for any rejection in view of Official Notice, applicant requests that the Examiner provide a specific reference.

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

Conclusion

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

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge any fees associated with this filing, or credit any overpayments thereon, to Deposit Account No. 50-3855, Order No. JDM/002 CON7.

Respectfully Submitted,

/Jeffrey D. Mullen/

Jeffrey D. Mullen

Applicant (Reg. No. 52,056)

Customer No. 32733

1310 Riverfront Drive

Pittsburgh, PA 15238

Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal

Application Number:	11841765			
Filing Date:	20-Aug-2007			
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME			
First Named Inventor/Applicant Name:	Jeffrey David Mullen			
Filer:	Jeffrey David Mullen			
Attorney Docket Number:	JDM/002 CON7			
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	EX1002 - Page 2253 304	1	700	700

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				700

Electronic Acknowledgement Receipt

EFS ID:	19909808
Application Number:	11841765
International Application Number:	
Confirmation Number:	2475
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 CON7
Receipt Date:	20-AUG-2014
Filing Date:	20-AUG-2007
Time Stamp:	05:08:37
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	6101
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-002CON7--Reply.pdf	137883 84840557cd91637d34ac6a26d809a7018d8cd6f8	yes	12

Multipart Description/PDF files in .zip description

Document Description	Start	End
Amendment/Req. Reconsideration-After Non-Final Reject	1	1
Claims	2	6
Applicant Arguments/Remarks Made in an Amendment	7	12

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	30420 d4380a3d760c0183f2facc878718a2bd10994fb1	no	2
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Warnings:

Information:

Total Files Size (in bytes):	168303
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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.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/841,765	Filing Date 08/20/2007	☐ To be Mailed
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 ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

(Column 1)

(Column 2)

FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

(Column 1)

(Column 2)

(Column 3)

AMENDMENT	08/20/2014	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 23	Minus	** 23	= 0	x \$40 =	0
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	x \$210 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	0

(Column 1)

(Column 2)

(Column 3)

AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	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
 /ANNIE SINGLETON/

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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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,765	08/20/2007	Jeffrey David Mullen	JDM/002 CON7	2475

32733 7590 09/23/2014
JEFFREY D. MULLEN
1310 Riverfront Drive
PITTSBURGH, PA 15238

EXAMINER

DEANE JR, WILLIAM J

ART UNIT	PAPER NUMBER
----------	--------------

2652

MAIL DATE	DELIVERY MODE
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09/23/2014

PAPER

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

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

Office Action Summary	Application No. 11/841,765	Applicant(s) MULLEN, JEFFREY DAVID	
	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 08/20/2014.
☐ 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) 3-25 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) 3-25 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) | 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
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 negated by the manner in which the invention was made.

Claims 3 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,324, 832 (Rosen et al.) in view of U.S. Patent No. 6,078,578 (Matsumoto) and U.S. Patent No. 6,377,565 (Puckette, IV).

With respect to claim 3, note Col. 2, line 23 – Col. 3, line 13. Note Fig. 1, wireless device 101, a device (the telecom network 103) and additional wireless devices 106 or 107.

With respect to the burst signal and synchronization information, Rosen et al. do not teach burst signals. First TDMA and CDMA are notoriously old in the art and it would have been obvious to have incorporated such whenever or wherever it was deemed necessary. In addition, note that Matsumoto teaches burst signals in Fig. 3. This is a TDMA signal (see Abstract) and as stated above, it would have been obvious to one of ordinary skill in the art to have incorporated TDMA or CDMA wherever it was deemed necessary. It is noted that such TDMA and CDMA are cell burst standards.

With respect to the ability to have location information and additional data portion, note Fig. 1 of Puckette, IV. Note the sync, data, sync, data portions and compare to applicant's Fig. 18. Note the use of location data throughout Puckette, IV and in Rosen et al. Therefore, it would have been obvious to one of ordinary skill in the art to have incorporated such additional data as disclosed by Puckette, IV into the Rosen et al. / Matsumoto system as such would only entail the substitution of one data portion for another.

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 negated by the manner in which the invention was made.

Claims 3 - 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 20030119522 (Barclay et al.) in view of U.S. Patent No. 7,324, 832 (Rosen et al.) and further in view of U.S. Patent No. 6,078,578 (Matsumoto) and Puckette IV.

With respect to claims 3 and 23 note paragraphs 0012, 0015 - 0017, 0023 (inherently the location information is stored, at least for some time, at the service provider or elsewhere on the communication network) if this is not agreed, then it would have been obvious to one of ordinary skill in the art, in light of Barclay et al., to store the information wherever it was deemed necessary ; and providing the signal from the device to a second wireless device without the location information (see Fig. 4 and

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0018). It is believed that the signal in Barclay carries the location information (see Fig. 1). If this is not agreed, note Col. 2, lines 23 – 63 of Rosen et al. It would have been obvious to one of ordinary skill in the art to have incorporated such a signal carrying the location information as disclosed by Rosen et al. into the Barclay et al. system as just another means of getting the location information to the next platform.

With respect to the burst signal and synchronization information, Rosen et al. do not teach burst signals. First TDMA and CDMA are notoriously old in the art and it would have been obvious to have incorporated such whenever or wherever it was deemed necessary. In addition, note that Matsumoto teaches burst signals in Fig. 3. This is a TDMA signal (see Abstract) and as stated above, it would have been obvious to one of ordinary skill in the art to have incorporated TDMA or CDMA wherever it was deemed necessary. It is noted that such TDMA and CDMA are cell burst standards. Therefore, it would have been obvious to have incorporated such burst signals as taught by Matsumoto into the Barclay et al./Rosen et al. system as such would only entail the substitution or addition of one signal type for another.

With respect to the ability to have location information and additional data portion, note Fig. 1 of Puckette, IV. Note the sync, data, sync, data portions and compare to applicant's Fig. 18. Note the use of location data throughout Puckette, IV and in Rosen et al. Therefore, it would have been obvious to one of ordinary skill in the art to have incorporated such additional data as disclosed by Puckette, IV into the Barclay et al./Rosen et al./ Matsumoto system as such would only entail the substitution of one data portion for another.

With respect to claims 4, 20 and 24, note the above and paragraph 0018.

With respect to claims 5, 8, 10, 13 note T/R 111 (base station); again it would have been obvious to one of ordinary skill in the art to have stored the information wherever it was deemed necessary.

With respect to claims 6, 7, 11, 12, 16, 17 both TDMA and CDMA are notoriously well-known in the art and it would have been obvious to one of ordinary skill in the art to have incorporated such TDMA or CDMA wherever it was deemed necessary.

With respect to claims 9, 14, 18 and 19 note the use of wireless phones which include speakers, microphone and a display. In addition, note paragraphs 0017 and 0022.

With respect to claims 15 and 25, note the rejections above.

With respect to claims 21 and 22, note the above and element 109.

Response to Arguments

Applicant's arguments filed 08/20/2014 have been fully considered but are not deemed persuasive to any error in the rejections above.

Applicant argues none of the references alone or in combination discloses all the elements of claims 3 and 15. The examiner disagrees. Both TDMA and CDMA are cell burst standards having data locations that can contain whatever data that will fit in the slot of the frame including location information. The frames contained in the references are analogous to the frame in Applicant's Fig 18. The examiner also points to paragraph 0089 in Applicant's printed publication No. 2007/0281671. Here Applicant states, "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.” So here Applicant has a frame with places already reserved for some data, which is known to persons of ordinary skill in the art. Applicant decides to insert at least location data in these reserved slots. The examiner in light of the above maintains that it would have been obvious to one of ordinary skill in the art to insert whatever data was deemed necessary as long as the data fit in the allocated slot.

In addition Applicant should note the following references:

U.S. Patent No. 5,889,474 (LaDue) --- see Col. 10, line 65 – Col. 11, line 59 and Col. 13, line 29 – Col. 14, line 41;

U.S. Patent No. 6,088,586 (Haverty) --- see Col. 8, lines 7 – 19 and Col. 9, lines 8 – 17; and

U.S. Patent No. 8,073,087 (Casaccia et al.) --- see Col. 7, lines 6 – 32.

Conclusion

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

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

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Deane whose telephone number is 571-272-7484. The examiner can normally be reached on Monday - FRIDAY from 9:00 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The official fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. However, unofficial faxes can be direct to the examiners computer at 571 273 - 7484.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

16Feb2014

/WILLIAM DEANE JR/

Primary Examiner, Art Unit 2652

Application/Control Number: 11/841,765
Art Unit: 2652

Page 8

Notice of References Cited	Application/Control No. 11/841,765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID	
	Examiner WILLIAM DEANE JR	Art Unit 2652	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-8,073,087	12-2011	Casaccia et al.	375/347
*	B	US-6,088,586	07-2000	Haverty, James D.	455/422.1
*	C	US-5,889,474	03-1999	LaDue, Christoph K.	340/8.1
	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. 11841765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID
	Examiner William J Deane	Art Unit 2614

CPC- SEARCHED		
Symbol	Date	Examiner

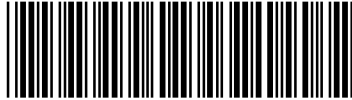
CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
	Updated the prior search.	26Aug2008	WJD
	Updated the prior search.	19Jun2009	WJD
	Updated the prior search	15Mar2010	WJD
	Updated the above search	27Mar2011	WJD
	Updated the search above	02Dec2011	WJD
	Updated the prior search above	24Aug2012	WJD
	Updated the prior search	30Jun2013	WJD
	updated the search	16Feb2014	WJD
	Updated the search above	21Sep2014	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

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

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<i>Index of Claims</i> 	Application/Control No. 11841765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID
	Examiner William J Deane	Art Unit 2614

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

☐ Claims renumbered in the same order as presented by applicant		☐ CPA		☐ T.D.		☐ R.1.47				
CLAIM		DATE								
Final	Original	08/26/2008	06/19/2009	03/15/2010	03/28/2011	12/02/2011	08/24/2012	06/30/2013	02/16/2014	09/21/2014
	1	-	-	-	-	-	-	-	-	-
	2	-	-	-	-	-	-	-	-	-
	3	✓	✓	✓	✓	✓	✓	✓	✓	✓
	4	✓	✓	✓	✓	✓	✓	✓	✓	✓
	5	✓	✓	✓	✓	✓	✓	✓	✓	✓
	6	✓	✓	✓	✓	✓	✓	✓	✓	✓
	7	✓	✓	✓	✓	✓	✓	✓	✓	✓
	8	✓	✓	✓	✓	✓	✓	✓	✓	✓
	9	✓	✓	✓	✓	✓	✓	✓	✓	✓
	10	✓	✓	✓	✓	✓	✓	✓	✓	✓
	11	✓	✓	✓	✓	✓	✓	✓	✓	✓
	12	✓	✓	✓	✓	✓	✓	✓	✓	✓
	13	✓	✓	✓	✓	✓	✓	✓	✓	✓
	14	✓	✓	✓	✓	✓	✓	✓	✓	✓
	15	✓	✓	✓	✓	✓	✓	✓	✓	✓
	16	✓	✓	✓	✓	✓	✓	✓	✓	✓
	17	✓	✓	✓	✓	✓	✓	✓	✓	✓
	18	✓	✓	✓	✓	✓	✓	✓	✓	✓
	19	✓	✓	✓	✓	✓	✓	✓	✓	✓
	20	✓	✓	✓	✓	✓	✓	✓	✓	✓
	21	✓	✓	✓	✓	✓	✓	✓	✓	✓
	22	✓	✓	✓	✓	✓	✓	✓	✓	✓
	23					✓	✓	✓	✓	✓
	24					✓	✓	✓	✓	✓
	25					✓	✓	✓	✓	✓

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

Application Number	11841765	Filing Date	2007-08-20	Docket Number (if applicable)	JDM/002CON7	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

Applicant Signature			
Applicant 1		Remove	
Signature	/Jeffrey D. Mullen/	Date (YYYY-MM-DD)	2015-03-23
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 records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/841,765
Confirmation No. : 2475
Filed : August 20, 2007
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Pittsburgh, PA 15116
March 23, 2015

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated September 23, 2014. A three-month extension of time and a Request for Continued Examination is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 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:
receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device, wherein said signal is provided by said first wireless telephonic device as a phone burst signal that includes an additional data portion;

storing by said device said location information in a storage device; and

providing said signal from said device to a second wireless telephonic device without said location information.

4. (previously presented) A method comprising:
receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device and said signal is provided by said first wireless telephonic device as a phone burst signal that includes an additional data portion;

storing by said device said location information in a storage device;

providing said signal from said device to a second wireless telephonic device without said location information;

receiving a request for said location information from a third wireless telephonic device, wherein access rights assigned by said first wireless telephonic device for said third wireless telephonic device are obtained and said location information is provided to said third wireless telephonic device based on said access rights.

5. (previously presented) The method of claim 3, wherein said device comprises a base station.

6. (previously presented) The method of claim 3, wherein said signal includes a portion of a TDMA signal.

7. (previously presented) The method of claim 3, wherein said signal includes a portion of a CDMA signal.

8. (previously presented) The method of claim 3, wherein said device comprises a base station and said base station stores said location information in a database.

9. (previously presented) The method of claim 3, wherein said third wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

10. (previously presented) The method of claim 4, wherein said device comprises a base station.

11. (previously presented) The method of claim 4, wherein said signal includes a portion of a TDMA signal.

12. (previously presented) The method of claim 4, wherein said signal includes a portion of a CDMA signal.

13. (previously presented) The method of claim 4, wherein said device comprises a base station and said storage device comprises a database.

14. (previously presented) The method of claim 4, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

15. (previously presented) A system comprising:
a first wireless telephonic device;
a second wireless telephonic device; and
a base station for routing a signal between said first wireless telephonic device and said second wireless telephonic device, wherein said first wireless telephonic device provides said signal as a phone burst signal that includes an additional data portion, said base station receives said signal with data representative of the location of said first wireless telephonic device, said base station provides said signal to said second wireless telephonic device without said data representative of the location of said first wireless telephonic device, said base station stores said data representation of the location of said first

wireless telephonic device to a storage device, said location is requested by said second wireless telephonic device, location access rights are assigned by said first wireless telephonic device for said second device, and said data representative of the location of the first wireless telephonic device is provided to said second wireless telephonic device based on said location access rights.

16. (previously presented) The system of claim 15, wherein said signal includes a portion of a TDMA signal.

17. (previously presented) The system of claim 15, wherein said signal includes a portion of a CDMA signal.

18. (previously presented) The system of claim 15, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with the location of said first wireless telephonic device.

19. (previously presented) The system of claim 15, wherein said second wireless telephonic device is associated with a second location, said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays distance information associated with the distance between the location associated with said first wireless telephonic device and a second location.

20. (previously presented) The system of claim 15, wherein the location associated with said first wireless telephonic device is provided to a third wireless device.

21. (previously presented) The system of claim 15, wherein a second location is determined for said second telephonic wireless device and said first wireless telephonic devices receives said second location.

22. (previously presented) The system of claim 15, wherein said location comprises information retrieved from a positioning system located on said first wireless device.

23. (previously presented) The method of claim 3, wherein said signal includes synchronization information.

24. (previously presented) The method of claim 4, wherein said signal includes synchronization information.

25. (previously presented) The system of claim 15, wherein said signal includes synchronization information.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-22 are pending.

The Examiner rejected claims 3 and 23 were rejected under 35 103(a) as being unpatentable over Rosen U.S. Patent No. 7,324,832 (hereinafter "Rosen") in view of U.S. Patent No. 6,078,578 (hereinafter "Matsumoto") and Puckette U.S. Patent No. 6,377,565 (hereinafter "Puckette").

The Examiner rejected claims 3-22 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 20030119522 (hereinafter "Barclay") in view of Rosen and further in view of Matsumoto and further still in view of Puckette.

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the 103(a) Rejections

The Examiner rejected claims 3 and 23 were rejected under 35 103(a) as being unpatentable over Rosen in view of Matsumoto and further in view of Puckette.

Neither Matsumoto nor Rosen show or suggest claim 3 of a burst signal with location information for a first wireless device and an additional data portion.

Similarly, neither Matsumoto nor Rosen, show or suggest claim 3 of a device receiving

location and additional data from a first telephonic device and providing a signal from the device to a second telephonic device without the location.

The Examiner stated:

"Note the sync, data, sync, data portions ...
note the use of location data throughout
Puckette"
(Office Action, page 7)

Puckette, even when combined with Matsumoto and Rosen, do not correct for the deficiencies of Matsumoto and Rosen. Puckette alleges base station location provided in a signal. Puckette gathers distance information from multiple sources in order to provide a propagation delay adjustment so that communications can be communicated between an airborne vehicle and a ground-based vehicle. All data is then communicated to the delay unit. Accordingly, Puckette, like Rosen and Matsumoto, does not provide claim 3 of location information from a wireless device - let alone then providing the signal from said device to a second wireless telephonic device without the location information. As a result, none of the references, used either alone or in combination, show or suggest applicant's claim 3 of location information from a wireless device - let alone then providing the signal from said device to a second wireless telephonic device without the location information.

The Examiner stated that the following sentence in the Examiner's rejection:

"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.”
(Office Action, page 6).

The Examiner's reference is not relevant. The Examiner cannot create something in the Examiner's cited art that simply does not exist. As shown above, none of the references, used either alone or in combination, show or suggest claim 3 of location information from a wireless device - let alone then providing the signal from said device to a second wireless telephonic device without the location information. The Examiner cannot pick and choose unrelated elements of unrelated specifications and put them together, in hindsight, to create a new, inoperable device neither shown nor suggested by the individual devices.

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

Applicant's Reply to the 103(a) Rejections

The Examiner rejected claims 3-25 under 35 103(a) as being unpatentable by Barclays, Rosen, Matsumoto, and Puckette.

Claim 3

As shown above, claim 3 is patentable in view of Matsumoto and Rosen and Puckette. None of the references, used either alone or in combination, show or suggest claim 3 of a burst signal with location information of a first wireless telephonic device and an additional data portion and a device receiving location and additional data from the first wireless telephonic device and providing a signal from the device to a second telephonic device without the location.

Barclays does not correct for these deficiencies. Barclays also does not show or suggest, used either alone or in combination, claim 3 of a burst signal with location information and an additional data portion. Barclays also does not show or suggest, used either alone or in combination, claim 3 of a device receiving location and additional data from a first telephonic device and providing a signal from the device to a second telephonic device without the location.

Accordingly, none of the references, used either alone or in combination, show or suggest applicant's claim 3 of a device receiving location and additional data from a first telephonic device and providing a signal from the device to a second telephonic device without the location.

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

Claim 4

As shown above, claim 3 is patentable. Claim 4 includes patentable features similar to patentable features included in claims 3. For example, none of the references, used either alone or in combination, show or suggest applicant's invention of claim 4 of providing a phone burst signal from a wireless device, receiving a signal at a device from a first wireless telephonic device that includes location information, and providing the signal from the device to a second wireless telephonic device without said location information.

In light of the foregoing, applicant respectfully submits that the Examiner's rejection of

claim 4, and any claims dependent therefrom, be withdrawn.

Claim 15

As shown above, claims 3 and 4 are patentable. Claim 15 includes patentable features similar to patentable features included in claims 15. For example, none of the references, used either alone or in combination, show or suggest applicant's invention of claim 15 of a base station for routing a signal between said first wireless telephonic device and said second wireless telephonic device, the wireless device provides the signal as a burst signal, the base station receives the signal with data representative of the location of said first wireless telephonic device and provides the signal to said second wireless telephonic device without the data representative of the location of said first wireless telephonic device.

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

The Dependent Claim Rejections

The Examiner rejected claims 5-14 and 16-25 under 35 103(a) as being unpatentable over Barclay and Rosen and further in view of Matsumoto and Puckette. As shown above, claims 3, 4, and 15 are patentable. Claims 5-14 and 16-25 depend from claim 3, 4, or 15. Accordingly, claims 5-14 and 16-25 are patentable for depending from a patentable base claim.

In light of the foregoing, applicant respectfully submits that the Examiner's rejection of claims 5-14 and 16-25 be withdrawn.

The Official Notice Rejection

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

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

The Examiner "cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth factual statements and explanation to such a finding. See MPEP 2144.03(c). Accordingly, for any rejection in view of Official Notice, applicant requests that the Examiner provide a specific reference.

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

Conclusion

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

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge any fees associated with this filing, or credit any overpayments thereon, to Deposit Account No. 50-3855, Order No. JDM/002 CON7.

Respectfully Submitted,

/Jeffrey D. Mullen/

Jeffrey D. Mullen

Applicant (Reg. No. 52,056)

Customer No. 32733

2212 Hassinger Lane

Glenshaw, PA 15116

Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal

Application Number:	11841765			
Filing Date:	20-Aug-2007			
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME			
First Named Inventor/Applicant Name:	Jeffrey David Mullen			
Filer:	Jeffrey David Mullen			
Attorney Docket Number:	JDM/002 CON7			
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:	21855639
Application Number:	11841765
International Application Number:	
Confirmation Number:	2475
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 CON7
Receipt Date:	23-MAR-2015
Filing Date:	20-AUG-2007
Time Stamp:	20:27:37
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$ 1550
RAM confirmation Number	7751
Deposit Account	503855
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

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

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

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

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	JDM-002CON7--RCE.pdf	697797	no	3
			9662a943e0159d37c99a655dcae75a640b3260c8		

Warnings:

Information:

2		JDM-002CON7--Reply.pdf	139817	yes	13
			13bc39624fcd736633fef52a7c0bed4f5ac8193		

Multipart Description/PDF files in .zip description

	Document Description	Start	End
	Amendment Submitted/Entered with Filing of CPA/RCE	1	1
	Claims	2	6
	Applicant Arguments/Remarks Made in an Amendment	7	13

Warnings:

Information:

3	Fee Worksheet (SB06)	fee-info.pdf	32446	no	2
			e79bc895226b53a913bd2dace78f6321036d3bc2		

Warnings:

Information:

Total Files Size (in bytes):			870060
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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.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 11/841,765		Filing Date 08/20/2007		☐ To be Mailed		
ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO										
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)							
FOR		NUMBER FILED	NUMBER EXTRA			RATE (\$)		FEE (\$)		
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A	N/A			N/A				
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))		N/A	N/A			N/A				
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A	N/A			N/A				
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 =	*			X \$ =				
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =	*			X \$ =				
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).								
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.						TOTAL				
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)		(Column 3)					
AMENDMENT	03/23/2015	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 23	Minus	** 23	= 0		X \$40 =		0	
	Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0		X \$210 =		0	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
						TOTAL ADD'L FEE		0		
(Column 1)			(Column 2)		(Column 3)					
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=		X \$ =			
	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				
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>										

LIE
/KIMBERLY PANNELL/

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

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,765	08/20/2007	Jeffrey David Mullen	JDM/002 CON7	2475

32733 7590 04/21/2015
JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

EXAMINER

DEANE JR, WILLIAM J

ART UNIT	PAPER NUMBER
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2652

MAIL DATE	DELIVERY MODE
-----------	---------------

04/21/2015

PAPER

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

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

Office Action Summary	Application No. 11/841,765	Applicant(s) MULLEN, JEFFREY DAVID	
	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 03/23/2015.
☐ 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) 3-25 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) 3-25 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) | 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
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 negated by the manner in which the invention was made.

Claims 3 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,324, 832 (Rosen et al.) in view of U.S. Patent No. 6,078,578 (Matsumoto) and U.S. Patent No. 6,377,565 (Puckette, IV) and in view of Applicant's own printed publication No. 2007/0281671 (hereinafter, the printed publication).

With respect to claim 3, note Col. 2, line 23 – Col. 3, line 13. Note Fig. 1, wireless device 101, a device (the telecom network 103) and additional wireless devices 106 or 107.

With respect to the burst signal and synchronization information, Rosen et al. do not teach burst signals. First TDMA and CDMA are notoriously old in the art and it would have been obvious to have incorporated such whenever or wherever it was deemed necessary. In addition, note that Matsumoto teaches burst signals in Fig. 3. This is a TDMA signal (see Abstract) and as stated above, it would have been obvious to one of ordinary skill in the art to have incorporated TDMA or CDMA wherever it was deemed necessary. It is noted that such TDMA and CDMA are cell burst standards.

With respect to the ability to have location information and additional data portion, note Fig. 1 of Puckette, IV. Note the sync, data, sync, data portions and compare to applicant's Fig. 18. Note the use of location data throughout Puckette, IV and in Rosen et al. Therefore, it would have been obvious to one of ordinary skill in the art to have incorporated such additional data as disclosed by Puckette, IV into the Rosen et al. / Matsumoto system as such would only entail the substitution of one data portion for another.

In addition, note paragraph 0089 from Applicant's printed publication 2007/0281671.

Both TDMA and CDMA are cell burst standards having data locations that can contain whatever data that will fit in the slot of the frame including location information. The frames contained in the references are analogous to the frame in Applicant's Fig 18. **The examiner also points to paragraph 0089 in Applicant's printed publication No. 2007/0281671. Here Applicant states, "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."** So here Applicant has a frame with places already reserved for some data, which is known to persons of ordinary skill in the art. Applicant decides to insert at least location data in these reserved slots. In light of the above, it would have been obvious to one of ordinary skill in the art to have incorporated the teachings in the 2007/0281671 printed publication into the Rosen et al./Mansanto/ Puckette, IV et al. system as an obvious design choice.

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 negated by the manner in which the invention was made.

Claims 3 - 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 20030119522 (Barclay et al.) in view of U.S. Patent No. 7,324, 832 (Rosen et al.) and further in view of U.S. Patent No. 6,078,578 (Matsumoto) and Puckette IV and in view of Applicant's own printed publication No. 2007/0281671 (hereinafter, the printed publication).

With respect to claims 3 and 23 note paragraphs 0012, 0015 - 0017, 0023 (inherently the location information is stored, at least for some time, at the service provider or elsewhere on the communication network) if this is not agreed, then it would have been obvious to one of ordinary skill in the art, in light of Barclay et al., to store the information wherever it was deemed necessary ; and providing the signal from the device to a second wireless device without the location information (see Fig. 4 and 0018). It is believed that the signal in Barclay carries the location information (see Fig. 1). If this is not agreed, note Col. 2, lines 23 – 63 of Rosen et al. It would have been obvious to one of ordinary skill in the art to have incorporated such a signal carrying the location information as disclosed by Rosen et al. into the Barclay et al. system as just another means of getting the location information to the next platform.

With respect to the burst signal and synchronization information, Rosen et al. do not teach burst signals. First TDMA and CDMA are notoriously old in the art and it would have been obvious to have incorporated such whenever or wherever it was deemed necessary. In addition, note that Matsumoto teaches burst signals in Fig. 3. This is a TDMA signal (see Abstract) and as stated above, it would have been obvious to one of ordinary skill in the art to have incorporated TDMA or CDMA wherever it was deemed necessary. It is noted that such TDMA and CDMA are cell burst standards. Therefore, it would have been obvious to have incorporated such burst signals as taught by Matsumoto into the Barclay et al./Rosen et al. system as such would only entail the substitution or addition of one signal type for another.

In addition, note paragraph 0089 from Applicant's printed publication 2007/0281671.

Both TDMA and CDMA are cell burst standards having data locations that can contain whatever data that will fit in the slot of the frame including location information. The frames contained in the references are analogous to the frame in Applicant's Fig 18. **The examiner also points to paragraph 0089 in Applicant's printed publication No. 2007/0281671. Here Applicant states, "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."** So here Applicant has a frame with places already reserved for some data, which is known to persons of ordinary skill in the art. Applicant decides to insert at least location data in these reserved slots. In light of the above, it would have been obvious to one of ordinary skill

in the art to have incorporated the teachings in the 2007/0281671 printed publication into the Matsumoto/Barclay et al./Rosen et al. system as an obvious design choice.

With respect to the ability to have location information and additional data portion, note Fig. 1 of Puckette, IV. Note the sync, data, sync, data portions and compare to applicant's Fig. 18. Note the use of location data throughout Puckette, IV and in Rosen et al. Therefore, it would have been obvious to one of ordinary skill in the art to have incorporated such additional data as disclosed by Puckette, IV into the Barclay et al./Rosen et al./ Matsumoto/the printed publication system as such would only entail the substitution of one data portion for another.

With respect to claims 4, 20 and 24, note the above and paragraph 0018.

With respect to claims 5, 8, 10, 13 note T/R 111 (base station); again it would have been obvious to one of ordinary skill in the art to have stored the information wherever it was deemed necessary.

With respect to claims 6, 7, 11, 12, 16, 17 both TDMA and CDMA are notoriously well-known in the art and it would have been obvious to one of ordinary skill in the art to have incorporated such TDMA or CDMA wherever it was deemed necessary.

With respect to claims 9, 14, 18 and 19 note the use of wireless phones which include speakers, microphone and a display. In addition, note paragraphs 0017 and 0022.

With respect to claims 15 and 25, note the rejections above.

With respect to claims 21 and 22, note the above and element 109.

Response to Arguments

Applicant's arguments filed 03/23/2015 have been fully considered but are not deemed persuasive to any error in the rejections above.

The argument, bridging pages 8 and 9 states:

The Examiner stated that the following sentence in the Examiner's rejection:

"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."

(Office Action, page 6).

The Examiner's reference is not relevant. The Examiner cannot create something in the Examiner's cited art that simply does not exist.

The examiner does not understand Applicant's argument. As written, one would believe that the quote above is from the examiner. Not so, this is directly from Applicant's own specification at paragraph 0089. (see the printed publication No. 2007/0281671). The examiner's arguments from the previous Office Action are reprinted below. Note the bold and underline sections.

Applicant argues none of the references alone or in combination discloses all the elements of claims 3 and 15. The examiner disagrees. Both TDMA and CDMA are cell burst standards having data locations that can contain whatever data that will fit in the slot of the frame including location information. The frames contained in the references are analogous to the frame in Applicant's Fig 18. **The examiner also points to**

paragraph 0089 in Applicant's printed publication No. 2007/0281671. Here Applicant states, "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." So here Applicant has a frame with places already reserved for some data, which is known to persons of ordinary skill in the art. Applicant decides to insert at least location data in these reserved slots. The examiner in light of the above maintains that it would have been obvious to one of ordinary skill in the art to insert whatever data was deemed necessary as long as the data fit in the allocated slot.

In addition Applicant should note the following references:

U.S. Patent No. 5,889,474 (LaDue) --- see Col. 10, line 65 – Col. 11, line 59 and Col. 13, line 29 – Col. 14, line 41;

U.S. Patent No. 6,088,586 (Haverty) --- see Col. 8, lines 7 – 19 and Col. 9, lines 8 – 17; and

U.S. Patent No. 8,073,087 (Casaccia et al.) --- see Col. 7, lines 6 – 32.

If the examiner has misunderstood Applicant's argument, please explain. If Applicant's explanation is satisfactory, Applicant can expect a new Non-Final Office Action.

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

Art Unit: 2652

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).

19Apr2015

/WILLIAM DEANE JR/

Primary Examiner, Art Unit 2652

<i>Index of Claims</i> 	Application/Control No. 11841765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID
	Examiner William J Deane	Art Unit 2614

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

☐ Claims renumbered in the same order as presented by applicant		☐ CPA		☐ T.D.		☐ R.1.47				
CLAIM		DATE								
Final	Original	08/26/2008	06/19/2009	03/15/2010	03/28/2011	12/02/2011	08/24/2012	06/30/2013	02/16/2014	09/21/2014
	1	-	-	-	-	-	-	-	-	-
	2	-	-	-	-	-	-	-	-	-
	3	✓	✓	✓	✓	✓	✓	✓	✓	✓
	4	✓	✓	✓	✓	✓	✓	✓	✓	✓
	5	✓	✓	✓	✓	✓	✓	✓	✓	✓
	6	✓	✓	✓	✓	✓	✓	✓	✓	✓
	7	✓	✓	✓	✓	✓	✓	✓	✓	✓
	8	✓	✓	✓	✓	✓	✓	✓	✓	✓
	9	✓	✓	✓	✓	✓	✓	✓	✓	✓
	10	✓	✓	✓	✓	✓	✓	✓	✓	✓
	11	✓	✓	✓	✓	✓	✓	✓	✓	✓
	12	✓	✓	✓	✓	✓	✓	✓	✓	✓
	13	✓	✓	✓	✓	✓	✓	✓	✓	✓
	14	✓	✓	✓	✓	✓	✓	✓	✓	✓
	15	✓	✓	✓	✓	✓	✓	✓	✓	✓
	16	✓	✓	✓	✓	✓	✓	✓	✓	✓
	17	✓	✓	✓	✓	✓	✓	✓	✓	✓
	18	✓	✓	✓	✓	✓	✓	✓	✓	✓
	19	✓	✓	✓	✓	✓	✓	✓	✓	✓
	20	✓	✓	✓	✓	✓	✓	✓	✓	✓
	21	✓	✓	✓	✓	✓	✓	✓	✓	✓
	22	✓	✓	✓	✓	✓	✓	✓	✓	✓
	23					✓	✓	✓	✓	✓
	24					✓	✓	✓	✓	✓
	25					✓	✓	✓	✓	✓

Search Notes 	Application/Control No. 11841765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID
	Examiner William J Deane	Art Unit 2614

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
	Updated the prior search.	26Aug2008	WJD
	Updated the prior search.	19Jun2009	WJD
	Updated the prior search	15Mar2010	WJD
	Updated the above search	27Mar2011	WJD
	Updated the search above	02Dec2011	WJD
	Updated the prior search above	24Aug2012	WJD
	Updated the prior search	30Jun2013	WJD
	updated the search	16Feb2014	WJD
	Updated the search above	21Sep2014	WJD
	Updated the search above	19Apr2015	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

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

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/841,765
Confirmation No. : 2475
Filed : August 20, 2007
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Pittsburgh, PA 15116
October 21, 2015

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated April 21, 2014. A three-month extension of time is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 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:
receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device, wherein said signal is provided by said first wireless telephonic device as a phone burst signal that includes an additional data portion;

storing by said device said location information in a storage device; and

providing said signal from said device to a second wireless telephonic device without said location information.

4. (previously presented) A method comprising:
receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device and said signal is provided by said first wireless telephonic device as a phone burst signal that includes an additional data portion;

storing by said device said location information in a storage device;

providing said signal from said device to a second wireless telephonic device without said location information;

receiving a request for said location information from a third wireless telephonic device, wherein access rights assigned by said first wireless telephonic device for said third wireless telephonic device are obtained and said location information is provided to said third wireless telephonic device based on said access rights.

5. (previously presented) The method of claim 3, wherein said device comprises a base station.

6. (previously presented) The method of claim 3, wherein said signal includes a portion of a TDMA signal.

7. (previously presented) The method of claim 3, wherein said signal includes a portion of a CDMA signal.

8. (previously presented) The method of claim 3, wherein said device comprises a base station and said base station stores said location information in a database.

9. (previously presented) The method of claim 3, wherein said third wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

10. (previously presented) The method of claim 4, wherein said device comprises a base station.

11. (previously presented) The method of claim 4, wherein said signal includes a portion of a TDMA signal.

12. (previously presented) The method of claim 4, wherein said signal includes a portion of a CDMA signal.

13. (previously presented) The method of claim 4, wherein said device comprises a base station and said storage device comprises a database.

14. (previously presented) The method of claim 4, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

15. (previously presented) A system comprising:
a first wireless telephonic device;
a second wireless telephonic device; and
a base station for routing a signal between said first wireless telephonic device and said second wireless telephonic device, wherein said first wireless telephonic device provides said signal as a phone burst signal that includes an additional data portion, said base station receives said signal with data representative of the location of said first wireless telephonic device, said base station provides said signal to said second wireless telephonic device without said data representative of the location of said first wireless telephonic device, said base station stores said data representation of the location of said first

wireless telephonic device to a storage device, said location is requested by said second wireless telephonic device, location access rights are assigned by said first wireless telephonic device for said second device, and said data representative of the location of the first wireless telephonic device is provided to said second wireless telephonic device based on said location access rights.

16. (previously presented) The system of claim 15, wherein said signal includes a portion of a TDMA signal.

17. (previously presented) The system of claim 15, wherein said signal includes a portion of a CDMA signal.

18. (previously presented) The system of claim 15, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with the location of said first wireless telephonic device.

19. (previously presented) The system of claim 15, wherein said second wireless telephonic device is associated with a second location, said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays distance information associated with the distance between the location associated with said first wireless telephonic device and a second location.

20. (previously presented) The system of claim 15, wherein the location associated with said first wireless telephonic device is provided to a third wireless device.

21. (previously presented) The system of claim 15, wherein a second location is determined for said second telephonic wireless device and said first wireless telephonic devices receives said second location.

22. (previously presented) The system of claim 15, wherein said location comprises information retrieved from a positioning system located on said first wireless device.

23. (previously presented) The method of claim 3, wherein said signal includes synchronization information.

24. (previously presented) The method of claim 4, wherein said signal includes synchronization information.

25. (previously presented) The system of claim 15, wherein said signal includes synchronization information.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-22 are pending.

The Examiner rejected claims 3 and 23 were rejected under 35 103(a) as being unpatentable over Rosen U.S. Patent No. 7,324,832 (hereinafter "Rosen") in view of U.S. Patent No. 6,078,578 (hereinafter "Matsumoto") and Puckette U.S. Patent No. 6,377,565 (hereinafter "Puckette") in view of Applicant's own printed publication No. 2007/0281671 (hereinafter "the printed publication").

The Examiner rejected claims 3-22 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 20030119522 (hereinafter "Barclay") in view of Rosen and further in view of Matsumoto and further still in view of Puckette and the printed publication.

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the 103(a) Rejections

The Examiner rejected claims 3 and 23 were rejected under 35 103(a) as being unpatentable over Rosen in view of Matsumoto and further in view of Puckette and the publication.

The publication is not prior art. That being stated, the Examiner states:

"applicant's printed publication ... person 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."

The Examiner's statement is not only irrelevant, but is a showing of the patentability of applicant's claim 3. Particularly, cell phone burst standards have been around for some time and nobody has discussed applicant's teaching of claim 3. Applicant's claim 3 did not claim a "TDMA and CDMA" that have "signal portions that are reserved."

Applicant's claim 3 instead includes a burst signal with location information for a first wireless device and an additional data portion. Instead of providing applicable prior art, the Examiner has provided an excerpt from applicant's own specification as prior art that does not even show or suggest applicants claim 3. Again, applicant's claim 3 did not claim a "TDMA and CDMA" that have "signal portions that are reserved." This is not a location information, a data portion, etc. This is not providing a signal from a device to a second wireless telephonic device without the location information.

As stated previously, neither Matsumoto nor Rosen show or suggest claim 3 of a burst signal with location information for a first wireless device and an additional data portion.

Similarly, neither Matsumoto nor Rosen, show or suggest claim 3 of a device receiving location and additional data from a first telephonic device and providing a signal from the device to a second telephonic device without the location.

The Examiner stated:

"Note the sync, data, sync, data portions ...
note the use of location data throughout
Puckette"
(Office Action, page 3)

Puckette, even when combined with Matsumoto and Rosen, do not correct for the deficiencies of Matsumoto and Rosen. Puckette alleges base station location provided in a signal. Puckette gathers distance information from multiple sources in order to provide a propagation delay adjustment so that communications can be communicated between an airborne vehicle and a ground-based vehicle. All data is then communicated to the delay unit. Accordingly, Puckette, like Rosen and Matusmoto, does not provide claim 3 of location information from a wireless device - let alone then providing the signal from said device to a second wireless telephonic device without the location information. As a result, none of the references, used either alone or in combination, show or suggest applicant's claim 3 of location information from a wireless device - let alone then providing the signal from said device to a second wireless telephonic device without the location information.

None of the references, used either alone or in combination, show or suggest claim 3 of location information from a wireless device - let alone then providing the signal from said device to a second wireless telephonic device without the location information. The Examiner cannot pick and choose unrelated elements of unrelated specifications and put them together, in hindsight, to create a new, inoperable device neither shown nor suggested by the individual devices.

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

Applicant's Reply to the 103(a) Rejections

The Examiner rejected claims 3-25 under 35 103(a) as being unpatentable by Barclays, Rosen, Matsumoto, Puckette, and the publication.

Claim 3

As shown above, claim 3 is patentable in view of Matsumoto and Rosen and Puckette and the publication. None of the references, used either alone or in combination, show or suggest claim 3 of a burst signal with location information of a first wireless telephonic device and an additional data portion and a device receiving location and additional data from the first wireless telephonic device and providing a signal from the device to a second telephonic device without the location.

Barclays does not correct for these deficiencies. Barclays also does not show or suggest, used either alone or in combination, claim 3 of a burst signal with location information and an additional data portion. Barclays also does not show or suggest, used either alone or in combination, claim 3 of a device receiving location and additional data from a first telephonic device and providing a signal from the device to a second telephonic device without the location.

Accordingly, none of the references, used either alone or in combination, show or suggest applicant's claim 3 of a device receiving location and additional data from a first telephonic device

and providing a signal from the device to a second telephonic device without the location.

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

Claim 4

As shown above, claim 3 is patentable. Claim 4 includes patentable features similar to patentable features included in claims 3. For example, none of the references, used either alone or in combination, show or suggest applicant's invention of claim 4 of providing a phone burst signal from a wireless device, receiving a signal at a device from a first wireless telephonic device that includes location information, and providing the signal from the device to a second wireless telephonic device without said location information.

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

Claim 15

As shown above, claims 3 and 4 are patentable. Claim 15 includes patentable features similar to patentable features included in claims 15. For example, none of the references, used either alone or in combination, show or suggest applicant's invention of claim 15 of a base station for routing a signal between said first wireless telephonic device and said second wireless telephonic device, the wireless device provides the signal as a burst signal, the base station receives the signal with data representative of the location of said first wireless telephonic device and provides the

signal to said second wireless telephonic device without the data representative of the location of said first wireless telephonic device.

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

The Dependent Claim Rejections

The Examiner rejected claims 5-14 and 16-25 under 35 103(a) as being unpatentable over Barclay and Rosen and further in view of Matsumoto and Puckette. As shown above, claims 3, 4, and 15 are patentable. Claims 5-14 and 16-25 depend from claim 3, 4, or 15. Accordingly, claims 5-14 and 16-25 are patentable for depending from a patentable base claim.

In light of the foregoing, applicant respectfully submits that the Examiner's rejection of claims 5-14 and 16-25 be withdrawn.

The Official Notice Rejection

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

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

have the Examiner provide documentary proof that those facts are actually well known.

The Examiner "cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth factual statements and explanation to such a finding. See MPEP 2144.03(c). Accordingly, for any rejection in view of Official Notice, applicant requests that the Examiner provide a specific reference.

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

Conclusion

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

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge any fees associated with this filing, or credit any overpayments thereon, to Deposit Account No. 50-3855, Order No. JDM/002 CON7.

Respectfully Submitted,

/Jeffrey D. Mullen/

Jeffrey D. Mullen

Applicant (Reg. No. 52,056)

Customer No. 32733

2212 Hassinger Lane

Glenshaw, PA 15116

Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal

Application Number:	11841765			
Filing Date:	20-Aug-2007			
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME			
First Named Inventor/Applicant Name:	Jeffrey David Mullen			
Filer:	Jeffrey David Mullen			
Attorney Docket Number:	JDM/002 CON7			
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:	23855943
Application Number:	11841765
International Application Number:	
Confirmation Number:	2475
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 CON7
Receipt Date:	21-OCT-2015
Filing Date:	20-AUG-2007
Time Stamp:	20:04:14
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	7379
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-002CON7--Reply.pdf	141312	yes	14
			8c077e5ab0c36a876ee47989075603cb8124c7e9		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
	Claims		2	6	
	Applicant Arguments/Remarks Made in an Amendment		7	14	

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	30736	no	2
			3379dcd4d59132564548f12a9bda4f1031c36354		

Warnings:

Information:

Total Files Size (in bytes):			172048
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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.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/841,765	Filing Date 08/20/2007	☐ To be Mailed
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 ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (l), 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	(Column 1)	(Column 2)	(Column 3)	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	10/21/2015	CLAIMS REMAINING AFTER AMENDMENT					
	Total (37 CFR 1.16(i))	* 23	Minus	** 23	= 0	X \$40 =	0
	Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	X \$210 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
TOTAL ADD'L FEE						0	

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

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

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

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

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

 LIE
 /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.
11/841,765	08/20/2007	Jeffrey David Mullen	JDM/002 CON7	2475

32733 7590 01/22/2016
JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

EXAMINER

DEANE JR, WILLIAM J

ART UNIT	PAPER NUMBER
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2652

MAIL DATE	DELIVERY MODE
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01/22/2016

PAPER

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

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

Office Action Summary	Application No. 11/841,765	Applicant(s) MULLEN, JEFFREY DAVID	
	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 10/21/2015.
☐ 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) 3-25 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) 3-25 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) | 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
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 negated by the manner in which the invention was made.

Claims 3 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,324, 832 (Rosen et al.) in view of U.S. Patent No. 6,078,578 (Matsumoto) and U.S. Patent No. 6,377,565 (Puckette, IV) and in view of Applicant's own printed publication No. 2007/0281671 (hereinafter, the printed publication).

With respect to claim 3, note Col. 2, line 23 – Col. 3, line 13. Note Fig. 1, wireless device 101, a device (the telecom network 103) and additional wireless devices 106 or 107.

With respect to the burst signal and synchronization information, Rosen et al. do not teach burst signals. First TDMA and CDMA are notoriously old in the art and it would have been obvious to have incorporated such whenever or wherever it was deemed necessary. In addition, note that Matsumoto teaches burst signals in Fig. 3. This is a TDMA signal (see Abstract) and as stated above, it would have been obvious

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to one of ordinary skill in the art to have incorporated TDMA or CDMA wherever it was deemed necessary. It is noted that such TDMA and CDMA are cell burst standards.

With respect to the ability to have location information and additional data portion, note Fig. 1 of Puckette, IV. Note the sync, data, sync, data portions and compare to applicant's Fig. 18. Note the use of location data throughout Puckette, IV and in Rosen et al. Therefore, it would have been obvious to one of ordinary skill in the art to have incorporated such additional data as disclosed by Puckette, IV into the Rosen et al. / Matsumoto system as such would only entail the substitution of one data portion for another.

In addition, note paragraph 0089 from Applicant's printed publication 2007/0281671.

Both TDMA and CDMA are cell burst standards having data locations that can contain whatever data that will fit in the slot of the frame including location information. The frames contained in the references are analogous to the frame in Applicant's Fig 18. **The examiner also points to paragraph 0089 in Applicant's printed publication No. 2007/0281671. Here Applicant states, "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."** So here Applicant has a frame with places already reserved for some data, which is known to persons of ordinary skill in the art. Applicant decides to insert at least location data in these reserved slots. In light of the above, it would have been obvious to one of ordinary skill

in the art to have incorporated the teachings in the 2007/0281671 printed publication into the Rosen et al./Mansanto/ Puckette, IV et al. system as an obvious design choice.

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 negated by the manner in which the invention was made.

Claims 3 - 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 20030119522 (Barclay et al.) in view of U.S. Patent No. 7,324, 832 (Rosen et al.) and further in view of U.S. Patent No. 6,078,578 (Matsumoto) and Puckette IV and in view of Applicant's own printed publication No. 2007/0281671 (hereinafter, the printed publication).

With respect to claims 3 and 23 note paragraphs 0012, 0015 - 0017, 0023 (inherently the location information is stored, at least for some time, at the service provider or elsewhere on the communication network) if this is not agreed, then it would have been obvious to one of ordinary skill in the art, in light of Barclay et al., to store the information wherever it was deemed necessary ; and providing the signal from the device to a second wireless device without the location information (see Fig. 4 and 0018). It is believed that the signal in Barclay carries the location information (see Fig. 1). If this is not agreed, note Col. 2, lines 23 – 63 of Rosen et al. It would have been obvious to one of ordinary skill in the art to have incorporated such a signal carrying the

location information as disclosed by Rosen et al. into the Barclay et al. system as just another means of getting the location information to the next platform.

With respect to the burst signal and synchronization information, Rosen et al. do not teach burst signals. First TDMA and CDMA are notoriously old in the art and it would have been obvious to have incorporated such whenever or wherever it was deemed necessary. In addition, note that Matsumoto teaches burst signals in Fig. 3. This is a TDMA signal (see Abstract) and as stated above, it would have been obvious to one of ordinary skill in the art to have incorporated TDMA or CDMA wherever it was deemed necessary. It is noted that such TDMA and CDMA are cell burst standards. Therefore, it would have been obvious to have incorporated such burst signals as taught by Matsumoto into the Barclay et al./Rosen et al. system as such would only entail the substitution or addition of one signal type for another.

In addition, note paragraph 0089 from Applicant's printed publication 2007/0281671.

Both TDMA and CDMA are cell burst standards having data locations that can contain whatever data that will fit in the slot of the frame including location information. The frames contained in the references are analogous to the frame in Applicant's Fig 18. **The examiner also points to paragraph 0089 in Applicant's printed publication No. 2007/0281671. Here Applicant states, "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."** So here Applicant has a frame with places already reserved for some data, which is known to persons of

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ordinary skill in the art. Applicant decides to insert at least location data in these reserved slots. In light of the above, it would have been obvious to one of ordinary skill in the art to have incorporated the teachings in the 2007/0281671 printed publication into the Matsumoto/Barclay et al./Rosen et al. system as an obvious design choice.

With respect to the ability to have location information and additional data portion, note Fig. 1 of Puckette, IV. Note the sync, data, sync, data portions and compare to applicant's Fig. 18. Note the use of location data throughout Puckette, IV and in Rosen et al. Therefore, it would have been obvious to one of ordinary skill in the art to have incorporated such additional data as disclosed by Puckette, IV into the Barclay et al./Rosen et al./ Matsumoto/the printed publication system as such would only entail the substitution of one data portion for another.

With respect to claims 4, 20 and 24, note the above and paragraph 0018.

With respect to claims 5, 8, 10, 13 note T/R 111 (base station); again it would have been obvious to one of ordinary skill in the art to have stored the information wherever it was deemed necessary.

With respect to claims 6, 7, 11, 12, 16, 17 both TDMA and CDMA are notoriously well-known in the art and it would have been obvious to one of ordinary skill in the art to have incorporated such TDMA or CDMA wherever it was deemed necessary.

With respect to claims 9, 14, 18 and 19 note the use of wireless phones which include speakers, microphone and a display. In addition, note paragraphs 0017 and 0022.

With respect to claims 15 and 25, note the rejections above.

With respect to claims 21 and 22, note the above and element 109.

Response to Arguments

Applicant's arguments filed 10/21/2015 have been fully considered but are not deemed persuasive to any error in the rejections above.

Applicant's main argument is that the examiner does not show a situation where the location information is not sent in the signal burst. However, Applicant knows, as we argued this point in at least one of Applicant's previous cases, that to not include the location data would have been obvious to one of ordinary skill in the art. All depends on what access information was permitted by a user.

Applicant argues none of the references alone or in combination discloses all the elements of claims 3 and 15. The examiner disagrees. Both TDMA and CDMA are cell burst standards having data locations that can contain whatever data that will fit in the slot of the frame including location information. The frames contained in the references are analogous to the frame in Applicant's Fig 18. **The examiner also points to paragraph 0089 in Applicant's printed publication No. 2007/0281671. Here Applicant states, "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."** So here Applicant has a frame with places already reserved for some data, which is known to persons of ordinary skill in the art. Applicant decides to insert at least location data in these reserved slots. The examiner in light of the above maintains that it would have been obvious to one of ordinary skill in the art to insert whatever data was deemed necessary as long as the data fit in the allocated slot.

If Applicant is saying that TDMA or CDMA are not burst signals that Applicant has in mind, Applicant should so state on the record. However from the above, regarding Applicant's printed publication, TDMA and CDMA burst standards are what Applicant has in mind. If the examiner is wrong please explain.

Conclusion

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

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Deane whose telephone number is 571-272-7484. The examiner can normally be reached on Monday - FRIDAY from 9:00 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The official fax phone number for the organization where this application or proceeding is assigned is

Art Unit: 2652

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).

20Jan2016

/WILLIAM DEANE JR/

Primary Examiner, Art Unit 2652

Search Notes 	Application/Control No. 11841765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID
	Examiner William J Deane	Art Unit 2614

CPC- SEARCHED		
Symbol	Date	Examiner

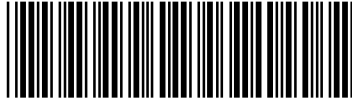
CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
	Updated the prior search.	26Aug2008	WJD
	Updated the prior search.	19Jun2009	WJD
	Updated the prior search	15Mar2010	WJD
	Updated the above search	27Mar2011	WJD
	Updated the search above	02Dec2011	WJD
	Updated the prior search above	24Aug2012	WJD
	Updated the prior search	30Jun2013	WJD
	updated the search	16Feb2014	WJD
	Updated the search above	21Sep2014	WJD
	Updated the search above	19Apr2015	WJD
	Updated the search	20Jan2016	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

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

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<i>Index of Claims</i> 	Application/Control No. 11841765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID
	Examiner William J Deane	Art Unit 2614

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

☐ Claims renumbered in the same order as presented by applicant		☐ CPA		☐ T.D.		☐ R.1.47				
CLAIM		DATE								
Final	Original	08/26/2008	06/19/2009	03/15/2010	03/28/2011	12/02/2011	08/24/2012	06/30/2013	02/16/2014	09/21/2014
	1	-	-	-	-	-	-	-	-	-
	2	-	-	-	-	-	-	-	-	-
	3	✓	✓	✓	✓	✓	✓	✓	✓	✓
	4	✓	✓	✓	✓	✓	✓	✓	✓	✓
	5	✓	✓	✓	✓	✓	✓	✓	✓	✓
	6	✓	✓	✓	✓	✓	✓	✓	✓	✓
	7	✓	✓	✓	✓	✓	✓	✓	✓	✓
	8	✓	✓	✓	✓	✓	✓	✓	✓	✓
	9	✓	✓	✓	✓	✓	✓	✓	✓	✓
	10	✓	✓	✓	✓	✓	✓	✓	✓	✓
	11	✓	✓	✓	✓	✓	✓	✓	✓	✓
	12	✓	✓	✓	✓	✓	✓	✓	✓	✓
	13	✓	✓	✓	✓	✓	✓	✓	✓	✓
	14	✓	✓	✓	✓	✓	✓	✓	✓	✓
	15	✓	✓	✓	✓	✓	✓	✓	✓	✓
	16	✓	✓	✓	✓	✓	✓	✓	✓	✓
	17	✓	✓	✓	✓	✓	✓	✓	✓	✓
	18	✓	✓	✓	✓	✓	✓	✓	✓	✓
	19	✓	✓	✓	✓	✓	✓	✓	✓	✓
	20	✓	✓	✓	✓	✓	✓	✓	✓	✓
	21	✓	✓	✓	✓	✓	✓	✓	✓	✓
	22	✓	✓	✓	✓	✓	✓	✓	✓	✓
	23					✓	✓	✓	✓	✓
	24					✓	✓	✓	✓	✓
	25					✓	✓	✓	✓	✓

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

Application Number	11841765	Filing Date	2007-08-20	Docket Number (if applicable)	JDM/002 CON7	Art Unit	2614
First Named Inventor	Jeffrey D. Mullen			Examiner Name	William J. Deane Jr.		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

☐ Other _____

☒ Enclosed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 503855

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Patent Practitioner Signature

☒ Applicant Signature

Applicant Signature			
Applicant 1			<input type="button" value="Remove"/>
Signature	Jeffrey D. Mullen/	Date (YYYY-MM-DD)	2016-07-21
Name	Jeffrey D. Mullen		
Click ADD for additional Applicant Signature			<input type="button" value="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 records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/841,765
Confirmation No. : 2475
Filed : August 20, 2007
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Pittsburgh, PA 15116
July 21, 2016

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated January 21, 2016. A three-month extension of time and a Request for Continued Examination is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 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:
receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device, wherein said signal is provided by said first wireless telephonic device as a phone burst signal that includes an additional data portion;

storing by said device said location information in a storage device; and

providing said signal from said device to a second wireless telephonic device without said location information.

4. (previously presented) A method comprising:
receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device and said signal is provided by said first wireless telephonic device as a phone burst signal that includes an additional data portion;

storing by said device said location information in a storage device;

providing said signal from said device to a second wireless telephonic device without said location information;

receiving a request for said location information from a third wireless telephonic device, wherein access rights assigned by said first wireless telephonic device for said third wireless telephonic device are obtained and said location information is provided to said third wireless telephonic device based on said access rights.

5. (previously presented) The method of claim 3, wherein said device comprises a base station.

6. (previously presented) The method of claim 3, wherein said signal includes a portion of a TDMA signal.

7. (previously presented) The method of claim 3, wherein said signal includes a portion of a CDMA signal.

8. (previously presented) The method of claim 3, wherein said device comprises a base station and said base station stores said location information in a database.

9. (previously presented) The method of claim 3, wherein said third wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

10. (previously presented) The method of claim 4, wherein said device comprises a base station.

11. (previously presented) The method of claim 4, wherein said signal includes a portion of a TDMA signal.

12. (previously presented) The method of claim 4, wherein said signal includes a portion of a CDMA signal.

13. (previously presented) The method of claim 4, wherein said device comprises a base station and said storage device comprises a database.

14. (previously presented) The method of claim 4, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

15. (previously presented) A system comprising:

- a first wireless telephonic device;
- a second wireless telephonic device; and
- a base station for routing a signal between said first wireless telephonic device and said second wireless telephonic device, wherein said first wireless telephonic device provides said signal as a phone burst signal that includes an additional data portion, said base station receives said signal with data representative of the location of said first wireless telephonic device, said base station provides said signal to said second wireless telephonic device without said data representative of the location of said first wireless telephonic device, said base station stores said data representation of the location of said first

wireless telephonic device to a storage device, said location is requested by said second wireless telephonic device, location access rights are assigned by said first wireless telephonic device for said second device, and said data representative of the location of the first wireless telephonic device is provided to said second wireless telephonic device based on said location access rights.

16. (previously presented) The system of claim 15, wherein said signal includes a portion of a TDMA signal.

17. (previously presented) The system of claim 15, wherein said signal includes a portion of a CDMA signal.

18. (previously presented) The system of claim 15, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with the location of said first wireless telephonic device.

19. (previously presented) The system of claim 15, wherein said second wireless telephonic device is associated with a second location, said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays distance information associated with the distance between the location associated with said first wireless telephonic device and a second location.

20. (previously presented) The system of claim 15, wherein the location associated with said first wireless telephonic device is provided to a third wireless device.

21. (previously presented) The system of claim 15, wherein a second location is determined for said second telephonic wireless device and said first wireless telephonic devices receives said second location.

22. (previously presented) The system of claim 15, wherein said location comprises information retrieved from a positioning system located on said first wireless device.

23. (previously presented) The method of claim 3, wherein said signal includes synchronization information.

24. (previously presented) The method of claim 4, wherein said signal includes synchronization information.

25. (previously presented) The system of claim 15, wherein said signal includes synchronization information.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-22 are pending.

The Examiner rejected claims 3 and 23 were rejected under 35 103(a) as being unpatentable over Rosen U.S. Patent No. 7,324,832 (hereinafter "Rosen") in view of U.S. Patent No. 6,078,578 (hereinafter "Matsumoto") and Puckette U.S. Patent No. 6,377,565 (hereinafter "Puckette") in view of Applicant's own printed publication No. 2007/0281671 (hereinafter "the printed publication").

The Examiner rejected claims 3-22 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 20030119522 (hereinafter "Barclay") in view of Rosen and further in view of Matsumoto and further still in view of Puckette and the printed publication.

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the 103(a) Rejections

The Examiner rejected claims 3 and 23 were rejected under 35 103(a) as being unpatentable over Rosen in view of Matsumoto and further in view of Puckette and the publication.

The publication, however, is not prior art. Both the present application and the publication date have the same priority date because

both cases are continuations from the exact same application - Application No. 10/400,296 (Publication No. 2004/0203923). Accordingly, the publication is not prior art to the present application.

Without the publication as prior art, the Examiner's argument cannot even be made.

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

Applicant's Reply to the 103(a) Rejections

The Examiner rejected claims 3-25 under 35 103(a) as being unpatentable by Barclays, Rosen, Matsumoto, Puckette, and the publication.

Claim 3

As previously shown, claim 3 is patentable in view of Matsumoto and Rosen and Puckette. None of the references, used either alone or in combination, show or suggest claim 3 of a burst signal with location information of a first wireless telephonic device and an additional data portion and a device receiving location and additional data from the first wireless telephonic device and providing a signal from the device to a second telephonic device without the location.

The publication, however, is not prior art. Both the present application and the publication date have the same priority date because both cases are continuations from the exact same application - Application No. 10/400,296 (Publication No. 2004/0203923). Accordingly, the

publication is not prior art to the present application.

Without the publication as prior art, the Examiner's argument cannot even be made.

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

Claim 4

As shown above, claim 3 is patentable. Claim 4 includes patentable features similar to patentable features included in claims 3. None of the references, used either alone or in combination, show or suggest applicant's invention of claim 4 of providing a phone burst signal from a wireless device, receiving a signal at a device from a first wireless telephonic device that includes location information, and providing the signal from the device to a second wireless telephonic device without said location information.

The publication, however, is not prior art. Both the present application and the publication date have the same priority date because both cases are continuations from the exact same application - Application No. 10/400,296 (Publication No. 2004/0203923). Accordingly, the publication is not prior art to the present application.

Without the publication as prior art, the Examiner's argument cannot even be made.

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

Claim 15

As shown above, claims 3 and 4 are patentable. Claim 15 includes patentable features similar to patentable features included in claims 15. None of the references, used either alone or in combination, show or suggest applicant's invention of claim 15 of a base station for routing a signal between said first wireless telephonic device and said second wireless telephonic device, the wireless device provides the signal as a burst signal, the base station receives the signal with data representative of the location of said first wireless telephonic device and provides the signal to said second wireless telephonic device without the data representative of the location of said first wireless telephonic device.

The publication, however, is not prior art. Both the present application and the publication date have the same priority date because both cases are continuations from the exact same application - Application No. 10/400,296 (Publication No. 2004/0203923). Accordingly, the publication is not prior art to the present application.

Without the publication as prior art, the Examiner's argument cannot even be made.

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

The Dependent Claim Rejections

The Examiner rejected claims 5-14 and 16-25 under 35 103(a) as being unpatentable over Barclay and Rosen and further in view of Matsumoto and Puckette. As

shown above, claims 3, 4, and 15 are patentable. Claims 5-14 and 16-25 depend from claim 3, 4, or 15. Accordingly, claims 5-14 and 16-25 are patentable for depending from a patentable base claim.

In light of the foregoing, applicant respectfully submits that the Examiner's rejection of claims 5-14 and 16-25 be withdrawn.

The Official Notice Rejection

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

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

The Examiner "cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth factual statements and explanation to such a finding. See MPEP 2144.03(c).

Accordingly, for any rejection in view of Official Notice, applicant requests that the Examiner provide a specific reference.

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

Conclusion

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

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge any fees associated with this filing, or credit any overpayments thereon, to Deposit Account No. 50-3855, Order No. JDM/002 CON7.

Respectfully Submitted,

/Jeffrey D. Mullen/

Jeffrey D. Mullen

Applicant (Reg. No. 52,056)

Customer No. 32733

2212 Hassinger Lane

Glenshaw, PA 15116

Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal

Application Number:	11841765			
Filing Date:	20-Aug-2007			
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME			
First Named Inventor/Applicant Name:	Jeffrey David Mullen			
Filer:	Jeffrey David Mullen			
Attorney Docket Number:	JDM/002 CON7			
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:	26421085
Application Number:	11841765
International Application Number:	
Confirmation Number:	2475
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 CON7
Receipt Date:	21-JUL-2016
Filing Date:	20-AUG-2007
Time Stamp:	17:02:53
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	6918
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-002CON7--RCE.pdf	697801	no	3
			f05addd8e759e3b6b05d86502c3b16bb5ffd7ca3		
Warnings:					
Information:					
2		JDM-002CON7--Reply.pdf	138958	yes	12
			590d0d18ff94c218da7d6de7cff236fc48297895		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment Submitted/Entered with Filing of CPA/RCE		1	1	
	Claims		2	6	
	Applicant Arguments/Remarks Made in an Amendment		7	12	
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32448	no	2
			df84a3767859cf3ab12c50c0a2c339af5f7bed4c2		
Warnings:					
Information:					
Total Files Size (in bytes):			869207		

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.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/841,765	Filing Date 08/20/2007	☐ To be Mailed
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ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO**APPLICATION AS FILED – PART I**

(Column 1)

(Column 2)

FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

(Column 1)

(Column 2)

(Column 3)

AMENDMENT	07/21/2016	CLAIMS REMAINING AFTER AMENDMENT	Minus	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 23	Minus	** 23	= 0	X \$40 =	0
	Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	X \$210 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
TOTAL ADD'L FEE						0	

(Column 1)

(Column 2)

(Column 3)

AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	Minus	HIGHEST NUMBER PREVIOUSLY PAID FOR	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
/ALLYSON PURNELL/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,765	08/20/2007	Jeffrey David Mullen	JDM/002 CON7	2475

32733 7590 10/26/2016
JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

EXAMINER

DEANE JR, WILLIAM J

ART UNIT	PAPER NUMBER
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2652

MAIL DATE	DELIVERY MODE
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10/26/2016

PAPER

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

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

Office Action Summary	Application No. 11/841,765	Applicant(s) MULLEN, JEFFREY DAVID	
	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 07/21/2016.
☐ 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) 3-25 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) 3-25 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) | 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
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 negated by the manner in which the invention was made.

Claims 3 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,324, 832 (Rosen et al.) in view of U.S. Patent No. 6,078,578 (Matsumoto) and U.S. Patent No. 6,377,565 (Puckette, IV) and in view of Applicant's own printed publication No. 2007/0281671 (hereinafter, the printed publication).

With respect to claim 3, note Col. 2, line 23 – Col. 3, line 13. Note Fig. 1, wireless device 101, a device (the telecom network 103) and additional wireless devices 106 or 107.

With respect to the burst signal and synchronization information, Rosen et al. do not teach burst signals. First TDMA and CDMA are notoriously old in the art and it would have been obvious to have incorporated such whenever or wherever it was deemed necessary. In addition, note that Matsumoto teaches burst signals in Fig. 3. This is a TDMA signal (see Abstract) and as stated above, it would have been obvious

to one of ordinary skill in the art to have incorporated TDMA or CDMA wherever it was deemed necessary. It is noted that such TDMA and CDMA are cell burst standards.

With respect to the ability to have location information and additional data portion, note Fig. 1 of Puckette, IV. Note the sync, data, sync, data portions and compare to applicant's Fig. 18. Note the use of location data throughout Puckette, IV and in Rosen et al. Therefore, it would have been obvious to one of ordinary skill in the art to have incorporated such additional data as disclosed by Puckette, IV into the Rosen et al. / Matsumoto system as such would only entail the substitution of one data portion for another.

In addition, note paragraph 0089 from Applicant's printed publication 2007/0281671.

Both TDMA and CDMA are cell burst standards having data locations that can contain whatever data that will fit in the slot of the frame including location information. The frames contained in the references are analogous to the frame in Applicant's Fig 18. **The examiner also points to paragraph 0089 in Applicant's printed publication No. 2007/0281671. Here Applicant states, "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."** So here Applicant has a frame with places already reserved for some data, which is known to persons of ordinary skill in the art. Applicant decides to insert at least location data in these reserved slots. In light of the above, it would have been obvious to one of ordinary skill

in the art to have incorporated the teachings in the 2007/0281671 printed publication into the Rosen et al./Mansanto/ Puckette, IV et al. system as an obvious design choice.

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 negated by the manner in which the invention was made.

Claims 3 - 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 20030119522 (Barclay et al.) in view of U.S. Patent No. 7,324, 832 (Rosen et al.) and further in view of U.S. Patent No. 6,078,578 (Matsumoto) and Puckette IV and in view of Applicant's own printed publication No. 2007/0281671 (hereinafter, the printed publication).

With respect to claims 3 and 23 note paragraphs 0012, 0015 - 0017, 0023 (inherently the location information is stored, at least for some time, at the service provider or elsewhere on the communication network) if this is not agreed, then it would have been obvious to one of ordinary skill in the art, in light of Barclay et al., to store the information wherever it was deemed necessary ; and providing the signal from the device to a second wireless device without the location information (see Fig. 4 and 0018). It is believed that the signal in Barclay carries the location information (see Fig. 1). If this is not agreed, note Col. 2, lines 23 – 63 of Rosen et al. It would have been obvious to one of ordinary skill in the art to have incorporated such a signal carrying the

location information as disclosed by Rosen et al. into the Barclay et al. system as just another means of getting the location information to the next platform.

With respect to the burst signal and synchronization information, Rosen et al. do not teach burst signals. First TDMA and CDMA are notoriously old in the art and it would have been obvious to have incorporated such whenever or wherever it was deemed necessary. In addition, note that Matsumoto teaches burst signals in Fig. 3. This is a TDMA signal (see Abstract) and as stated above, it would have been obvious to one of ordinary skill in the art to have incorporated TDMA or CDMA wherever it was deemed necessary. It is noted that such TDMA and CDMA are cell burst standards. Therefore, it would have been obvious to have incorporated such burst signals as taught by Matsumoto into the Barclay et al./Rosen et al. system as such would only entail the substitution or addition of one signal type for another.

In addition, note paragraph 0089 from Applicant's printed publication 2007/0281671.

Both TDMA and CDMA are cell burst standards having data locations that can contain whatever data that will fit in the slot of the frame including location information. The frames contained in the references are analogous to the frame in Applicant's Fig 18. **The examiner also points to paragraph 0089 in Applicant's printed publication No. 2007/0281671. Here Applicant states, "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."** So here Applicant has a frame with places already reserved for some data, which is known to persons of

Art Unit: 2652

ordinary skill in the art. Applicant decides to insert at least location data in these reserved slots. In light of the above, it would have been obvious to one of ordinary skill in the art to have incorporated the teachings in the 2007/0281671 printed publication into the Matsumoto/Barclay et al./Rosen et al. system as an obvious design choice.

With respect to the ability to have location information and additional data portion, note Fig. 1 of Puckette, IV. Note the sync, data, sync, data portions and compare to applicant's Fig. 18. Note the use of location data throughout Puckette, IV and in Rosen et al. Therefore, it would have been obvious to one of ordinary skill in the art to have incorporated such additional data as disclosed by Puckette, IV into the Barclay et al./Rosen et al./ Matsumoto/the printed publication system as such would only entail the substitution of one data portion for another.

With respect to claims 4, 20 and 24, note the above and paragraph 0018.

With respect to claims 5, 8, 10, 13 note T/R 111 (base station); again it would have been obvious to one of ordinary skill in the art to have stored the information wherever it was deemed necessary.

With respect to claims 6, 7, 11, 12, 16, 17 both TDMA and CDMA are notoriously well-known in the art and it would have been obvious to one of ordinary skill in the art to have incorporated such TDMA or CDMA wherever it was deemed necessary.

With respect to claims 9, 14, 18 and 19 note the use of wireless phones which include speakers, microphone and a display. In addition, note paragraphs 0017 and 0022.

With respect to claims 15 and 25, note the rejections above.

With respect to claims 21 and 22, note the above and element 109.

Response to Arguments

Applicant's arguments filed 07/21/2016 have been fully considered but are not deemed persuasive to any error in the rejections above.

Applicant's main argument is that the examiner cannot use anything from Applicant's printed publication No. 2007/0281671 as the filing dates of the instant application and the printed publication have the same priority dates. In general, such an argument would prevail. However, the examiner is citing to a portion of the instant application in which applicant admits in paragraph 0089 that the statement:

"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."

is known prior to filing. That is, the examiner is using applicant's statement that such is prior art. In such a case the filing date is irrelevant.

The examiners argument in the Final Office action dated 01/22/2016 is, in part, repeated below:

Applicant argues none of the references alone or in combination discloses all the elements of claims 3 and 15. The examiner disagrees. Both TDMA and CDMA are cell burst standards having data locations that can contain whatever data that will fit in the slot of the frame including location information. The frames contained in the references are analogous to the frame in Applicant's Fig 18. **The examiner also points to paragraph 0089 in Applicant's printed publication No. 2007/0281671. Here**

Applicant states, "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." So here Applicant has a frame with places already reserved for some data, which is known to persons of ordinary skill in the art. Applicant decides to insert at least location data in these reserved slots. The examiner in light of the above maintains that it would have been obvious to one of ordinary skill in the art to insert whatever data was deemed necessary as long as the data fit in the allocated slot.

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

Application/Control Number: 11/841,765

Page 9

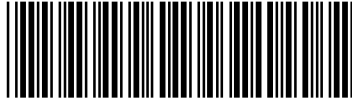
Art Unit: 2652

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

24Oct2016

/WILLIAM DEANE JR/

Primary Examiner, Art Unit 2652

<i>Index of Claims</i> 	Application/Control No. 11841765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID
	Examiner William J Deane	Art Unit 2614

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

☐ Claims renumbered in the same order as presented by applicant		☐ CPA		☐ T.D.		☐ R.1.47				
CLAIM		DATE								
Final	Original	08/26/2008	06/19/2009	03/15/2010	03/28/2011	12/02/2011	08/24/2012	06/30/2013	02/16/2014	09/21/2014
	1	-	-	-	-	-	-	-	-	-
	2	-	-	-	-	-	-	-	-	-
	3	✓	✓	✓	✓	✓	✓	✓	✓	✓
	4	✓	✓	✓	✓	✓	✓	✓	✓	✓
	5	✓	✓	✓	✓	✓	✓	✓	✓	✓
	6	✓	✓	✓	✓	✓	✓	✓	✓	✓
	7	✓	✓	✓	✓	✓	✓	✓	✓	✓
	8	✓	✓	✓	✓	✓	✓	✓	✓	✓
	9	✓	✓	✓	✓	✓	✓	✓	✓	✓
	10	✓	✓	✓	✓	✓	✓	✓	✓	✓
	11	✓	✓	✓	✓	✓	✓	✓	✓	✓
	12	✓	✓	✓	✓	✓	✓	✓	✓	✓
	13	✓	✓	✓	✓	✓	✓	✓	✓	✓
	14	✓	✓	✓	✓	✓	✓	✓	✓	✓
	15	✓	✓	✓	✓	✓	✓	✓	✓	✓
	16	✓	✓	✓	✓	✓	✓	✓	✓	✓
	17	✓	✓	✓	✓	✓	✓	✓	✓	✓
	18	✓	✓	✓	✓	✓	✓	✓	✓	✓
	19	✓	✓	✓	✓	✓	✓	✓	✓	✓
	20	✓	✓	✓	✓	✓	✓	✓	✓	✓
	21	✓	✓	✓	✓	✓	✓	✓	✓	✓
	22	✓	✓	✓	✓	✓	✓	✓	✓	✓
	23					✓	✓	✓	✓	✓
	24					✓	✓	✓	✓	✓
	25					✓	✓	✓	✓	✓

Search Notes 	Application/Control No. 11841765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID
	Examiner William J Deane	Art Unit 2614

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
	Updated the prior search.	26Aug2008	WJD
	Updated the prior search.	19Jun2009	WJD
	Updated the prior search	15Mar2010	WJD
	Updated the above search	27Mar2011	WJD
	Updated the search above	02Dec2011	WJD
	Updated the prior search above	24Aug2012	WJD
	Updated the prior search	30Jun2013	WJD
	updated the search	16Feb2014	WJD
	Updated the search above	21Sep2014	WJD
	Updated the search above	19Apr2015	WJD
	Updated the search	20Jan2016	WJD
	Updated the search dated 01/02/2008	24Oct2016	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

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

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/841,765
Confirmation No. : 2475
Filed : August 20, 2007
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Pittsburgh, PA 15116
April 26, 2017

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated October 26, 2016. A three-month extension of time is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 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:
receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device, wherein said signal is provided by said first wireless telephonic device as a phone burst signal that includes an additional data portion;

storing by said device said location information in a storage device; and

providing said signal from said device to a second wireless telephonic device without said location information.

4. (previously presented) A method comprising:
receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device and said signal is provided by said first wireless telephonic device as a phone burst signal that includes an additional data portion;

storing by said device said location information in a storage device;

providing said signal from said device to a second wireless telephonic device without said location information;

receiving a request for said location information from a third wireless telephonic device, wherein access rights assigned by said first wireless telephonic device for said third wireless telephonic device are obtained and said location information is provided to said third wireless telephonic device based on said access rights.

5. (previously presented) The method of claim 3, wherein said device comprises a base station.

6. (previously presented) The method of claim 3, wherein said signal includes a portion of a TDMA signal.

7. (previously presented) The method of claim 3, wherein said signal includes a portion of a CDMA signal.

8. (previously presented) The method of claim 3, wherein said device comprises a base station and said base station stores said location information in a database.

9. (previously presented) The method of claim 3, wherein said third wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

10. (previously presented) The method of claim 4, wherein said device comprises a base station.

11. (previously presented) The method of claim 4, wherein said signal includes a portion of a TDMA signal.

12. (previously presented) The method of claim 4, wherein said signal includes a portion of a CDMA signal.

13. (previously presented) The method of claim 4, wherein said device comprises a base station and said storage device comprises a database.

14. (previously presented) The method of claim 4, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

15. (previously presented) A system comprising:
a first wireless telephonic device;
a second wireless telephonic device; and
a base station for routing a signal between said first wireless telephonic device and said second wireless telephonic device, wherein said first wireless telephonic device provides said signal as a phone burst signal that includes an additional data portion, said base station receives said signal with data representative of the location of said first wireless telephonic device, said base station provides said signal to said second wireless telephonic device without said data representative of the location of said first wireless telephonic device, said base station stores said data representation of the location of said first

wireless telephonic device to a storage device, said location is requested by said second wireless telephonic device, location access rights are assigned by said first wireless telephonic device for said second device, and said data representative of the location of the first wireless telephonic device is provided to said second wireless telephonic device based on said location access rights.

16. (previously presented) The system of claim 15, wherein said signal includes a portion of a TDMA signal.

17. (previously presented) The system of claim 15, wherein said signal includes a portion of a CDMA signal.

18. (previously presented) The system of claim 15, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with the location of said first wireless telephonic device.

19. (previously presented) The system of claim 15, wherein said second wireless telephonic device is associated with a second location, said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays distance information associated with the distance between the location associated with said first wireless telephonic device and a second location.

20. (previously presented) The system of claim 15, wherein the location associated with said first wireless telephonic device is provided to a third wireless device.

21. (previously presented) The system of claim 15, wherein a second location is determined for said second telephonic wireless device and said first wireless telephonic devices receives said second location.

22. (previously presented) The system of claim 15, wherein said location comprises information retrieved from a positioning system located on said first wireless device.

23. (previously presented) The method of claim 3, wherein said signal includes synchronization information.

24. (previously presented) The method of claim 4, wherein said signal includes synchronization information.

25. (previously presented) The system of claim 15, wherein said signal includes synchronization information.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-22 are pending.

The Examiner rejected claims 3 and 23 were rejected under 35 103(a) as being unpatentable over Rosen U.S. Patent No. 7,324,832 (hereinafter "Rosen") in view of U.S. Patent No. 6,078,578 (hereinafter "Matsumoto") and Puckette U.S. Patent No. 6,377,565 (hereinafter "Puckette") in view of Applicant's own printed publication No. 2007/0281671 (hereinafter "the printed publication").

The Examiner rejected claims 3-25 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 20030119522 (hereinafter "Barclay") in view of Rosen and further in view of Matsumoto and further still in view of Puckette and the printed publication.

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the 103(a) Rejections

The Examiner rejected claims 3-25 were rejected under 35 103(a) as being unpatentable over Barclay, Rosen in view of Matsumoto and further in view of Puckette and the publication.

It should be noted that applicant's publication is not prior art. Both the present application and the publication have the same

priority date and both are continuations from the same application - Application No. 10/400,296 (Publication No. 2004/0203923). The publication is not prior art to the present application.

The Examiner appears to allege an applicant's Admitted Prior Art (APA) rejection.

Applicant's publication is not prior art.

Applicant's Reply to the 103(a) Rejections

The Examiner rejected claims 3-25 under 35 103(a) as being unpatentable by Barclay, Rosen, Matsumoto, Puckette, and the publication.

Claim 3

The Examiner stated that:

"the Examiner also points to paragraph 0089 in Applicant's printed publication ... Applicant states '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.'
(Office Action, page 3)

Without prejudice and solely to expedite prosecution, applicant will argue the point of applicant's specification.

Applicant's paragraph in applicant's specification actually is evidence of patentability.

The Examiner requires a four reference rejection - one of which is applicant's specification - to provide an argument for a three element claim.

The fact that no prior art has provided has provided applicant's teachings is evidence itself of patentability. The mere fact that there are allegedly portions of signals that can be changed in function teaches nothing. The fact that

no prior art discusses applicant's feature is, upon itself, evidence of patentability.

To put it another way, a blank canvas is just that - a blank canvas. It does not show or suggest anything other than a blank canvas. To say a blank canvas shows everything that can be done with the blank canvas is improper hindsight reconstruction.

Furthermore, applicant's invention of claim 3 does not claim a data structure.

Applicant's invention of claim 3 includes a method of receiving a signal at a device that includes location information where the signal is provided as a phone burst signal that includes an additional data portion, storing by said device the location information in a storage device and providing said signal from said device to a second wireless telephonic device without said location information.

Just like a blank canvas and a can of black paint and a can of yellow paint doesn't show or suggest an image of a black and yellow football team logo, a mention of variable or blank data does not show or suggest applicant's invention of claim 3 of receiving a signal with location information, storing the location information and providing the signal without the location information.

Matsumoto, Rosen, and Puckette do not change the situation. None of the references, used either alone or in combination, show or suggest claim 3 of a burst signal with location information of a first wireless telephonic device and an additional data portion and a device receiving location and additional data from the first wireless telephonic device and providing a signal from the

device to a second telephonic device without the location.

As shown above, applicant's mere mention in applicant's specification that "some cell phone burst standards ... have signal portions that are reserved for future technologies" (Office Action, page 3) does not provide the Examiner with any strengthening argument to the above combination.

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

Claim 4

As shown above, claim 3 is patentable. Claim 4 includes patentable features similar to patentable features included in claims 3. None of the references, used either alone or in combination, show or suggest applicant's invention of claim 4 of providing a phone burst signal from a wireless device, receiving a signal at a device from a first wireless telephonic device that includes location information, and providing the signal from the device to a second wireless telephonic device without said location information.

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

Claim 15

As shown above, claims 3 and 4 are patentable. Claim 15 includes patentable features similar to patentable features included in claims 15. None of the references, used either alone or in combination, show or suggest applicant's invention of claim 15 of a base

station for routing a signal between said first wireless telephonic device and said second wireless telephonic device, the wireless device provides the signal as a burst signal, the base station receives the signal with data representative of the location of said first wireless telephonic device and provides the signal to said second wireless telephonic device without the data representative of the location of said first wireless telephonic device.

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

The Dependent Claim Rejections

The Examiner rejected claims 5-14 and 16-25 under 35 103(a) as being unpatentable over Barclay and Rosen and further in view of Matsumoto and Puckette. As shown above, claims 3, 4, and 15 are patentable. Claims 5-14 and 16-25 depend from claim 3, 4, or 15. Accordingly, claims 5-14 and 16-25 are patentable for depending from a patentable base claim.

In light of the foregoing, applicant respectfully submits that the Examiner's rejection of claims 5-14 and 16-25 be withdrawn.

The Official Notice Rejection

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

For rejections under 35 U.S.C. § 103(a), the Examiner has the burden of showing each and every element of applicant's invention in the prior art combination. MPEP § 2144.03 requires that the facts of which notice are being taken be capable of instant and unquestionable

demonstration as being well known in the art. See *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). Applicant believes that the "facts" of which the Examiner may have taken Official Notice do not meet that standard, and invoke his right under MPEP § 2144.03 to have the Examiner provide documentary proof that those facts are actually well known.

The Examiner "cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth factual statements and explanation to such a finding. See MPEP 2144.03(c). Accordingly, for any rejection in view of Official Notice, applicant requests that the Examiner provide a specific reference.

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

Conclusion

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

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge any fees associated with this filing, or credit any overpayments thereon, to Deposit Account No. 50-3855, Order No. JDM/002 CON7.

Respectfully Submitted,

/Jeffrey D. Mullen/

Jeffrey D. Mullen

Applicant (Reg. No. 52,056)

Customer No. 32733

2212 Hassinger Lane

Glenshaw, PA 15116

Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal

Application Number:	11841765			
Filing Date:	20-Aug-2007			
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME			
First Named Inventor/Applicant Name:	Jeffrey David Mullen			
Filer:	Jeffrey David Mullen			
Attorney Docket Number:	JDM/002 CON7			
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:	29040421
Application Number:	11841765
International Application Number:	
Confirmation Number:	2475
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 CON7
Receipt Date:	26-APR-2017
Filing Date:	20-AUG-2007
Time Stamp:	18:24:17
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	042717INTEFSW18254600
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-002CON7--Reply.pdf	161542	yes	13
			e3e4ba87372e7946d34f182e3513a9be36843c31		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
	Claims		2	6	
	Applicant Arguments/Remarks Made in an Amendment		7	13	
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30735	no	2
			7f29aa145e00d8057c37d28c5a601266a592c97a		
Warnings:					
Information:					
Total Files Size (in bytes):			192277		

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.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/841,765	Filing Date 08/20/2007	☐ To be Mailed
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ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)
☒ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	150
☐ 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))	20 minus 20 =	* 0	x \$25 =	0
INDEPENDENT CLAIMS (37 CFR 1.16(h))	3 minus 3 =	* 0	x \$100 =	0
☐ 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	150

APPLICATION AS AMENDED – PART II

AMENDMENT	(Column 1)	(Column 2)	(Column 3)	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	04/26/2017	CLAIMS REMAINING AFTER AMENDMENT					
	Total (37 CFR 1.16(i))	* 20	Minus	** 20	= 0	x \$40 =	0
	Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	x \$210 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	0

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

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

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

LIE
JESSICA GAYNOR

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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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,765	08/20/2007	Jeffrey David Mullen	JDM/002 CON7	2475

32733 7590 07/26/2017
JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

EXAMINER

DEANE JR, WILLIAM J

ART UNIT	PAPER NUMBER
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2652

MAIL DATE	DELIVERY MODE
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07/26/2017

PAPER

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

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

Office Action Summary	Application No. 11/841,765	Applicant(s) MULLEN, JEFFREY DAVID	
	Examiner WILLIAM DEANE JR	Art Unit 2652	AIA (First Inventor to File) Status No

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

- 1) ☒ Responsive to communication(s) filed on 04/26/2017.
☐ 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) 3-25 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) 3-25 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) | 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
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.

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 negated by the manner in which the invention was made.

Claims 3 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,324, 832 (Rosen et al.) in view of U.S. Patent No. 6,078,578 (Matsumoto) and U.S. Patent No. 6,377,565 (Puckette, IV) and in view of Applicant's own printed publication No. 2007/0281671 (hereinafter, the printed publication).

With respect to claim 3, note Col. 2, line 23 – Col. 3, line 13. Note Fig. 1, wireless device 101, a device (the telecom network 103) and additional wireless devices 106 or 107.

With respect to the burst signal and synchronization information, Rosen et al. do not teach burst signals. First TDMA and CDMA are notoriously old in the art and it would have been obvious to have incorporated such whenever or wherever it was deemed necessary. In addition, note that Matsumoto teaches burst signals in Fig. 3. This is a TDMA signal (see Abstract) and as stated above, it would have been obvious

to one of ordinary skill in the art to have incorporated TDMA or CDMA wherever it was deemed necessary. It is noted that such TDMA and CDMA are cell burst standards.

With respect to the ability to have location information and additional data portion, note Fig. 1 of Puckette, IV. Note the sync, data, sync, data portions and compare to applicant's Fig. 18. Note the use of location data throughout Puckette, IV and in Rosen et al. Therefore, it would have been obvious to one of ordinary skill in the art to have incorporated such additional data as disclosed by Puckette, IV into the Rosen et al. / Matsumoto system as such would only entail the substitution of one data portion for another.

In addition, note paragraph 0089 from Applicant's printed publication 2007/0281671.

Both TDMA and CDMA are cell burst standards having data locations that can contain whatever data that will fit in the slot of the frame including location information. The frames contained in the references are analogous to the frame in Applicant's Fig 18. **The examiner also points to paragraph 0089 in Applicant's printed publication No. 2007/0281671. Here Applicant states, "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."** So here Applicant has a frame with places already reserved for some data, which is known to persons of ordinary skill in the art. Applicant decides to insert at least location data in these reserved slots. In light of the above, it would have been obvious to one of ordinary skill

in the art to have incorporated the teachings in the 2007/0281671 printed publication into the Rosen et al./Mansanto/ Puckette, IV et al. system as an obvious design choice.

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 negated by the manner in which the invention was made.

Claims 3 - 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 20030119522 (Barclay et al.) in view of U.S. Patent No. 7,324, 832 (Rosen et al.) and further in view of U.S. Patent No. 6,078,578 (Matsumoto) and Puckette IV and in view of Applicant's own printed publication No. 2007/0281671 (hereinafter, the printed publication).

With respect to claims 3 and 23 note paragraphs 0012, 0015 - 0017, 0023 (inherently the location information is stored, at least for some time, at the service provider or elsewhere on the communication network) if this is not agreed, then it would have been obvious to one of ordinary skill in the art, in light of Barclay et al., to store the information wherever it was deemed necessary ; and providing the signal from the device to a second wireless device without the location information (see Fig. 4 and 0018). It is believed that the signal in Barclay carries the location information (see Fig. 1). If this is not agreed, note Col. 2, lines 23 – 63 of Rosen et al. It would have been obvious to one of ordinary skill in the art to have incorporated such a signal carrying the

location information as disclosed by Rosen et al. into the Barclay et al. system as just another means of getting the location information to the next platform.

With respect to the burst signal and synchronization information, Rosen et al. do not teach burst signals. First TDMA and CDMA are notoriously old in the art and it would have been obvious to have incorporated such whenever or wherever it was deemed necessary. In addition, note that Matsumoto teaches burst signals in Fig. 3. This is a TDMA signal (see Abstract) and as stated above, it would have been obvious to one of ordinary skill in the art to have incorporated TDMA or CDMA wherever it was deemed necessary. It is noted that such TDMA and CDMA are cell burst standards. Therefore, it would have been obvious to have incorporated such burst signals as taught by Matsumoto into the Barclay et al./Rosen et al. system as such would only entail the substitution or addition of one signal type for another.

In addition, note paragraph 0089 from Applicant's printed publication 2007/0281671.

Both TDMA and CDMA are cell burst standards having data locations that can contain whatever data that will fit in the slot of the frame including location information. The frames contained in the references are analogous to the frame in Applicant's Fig 18. **The examiner also points to paragraph 0089 in Applicant's printed publication No. 2007/0281671. Here Applicant states, "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."** So here Applicant has a frame with places already reserved for some data, which is known to persons of

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ordinary skill in the art. Applicant decides to insert at least location data in these reserved slots. In light of the above, it would have been obvious to one of ordinary skill in the art to have incorporated the teachings in the 2007/0281671 printed publication into the Matsumoto/Barclay et al./Rosen et al. system as an obvious design choice.

With respect to the ability to have location information and additional data portion, note Fig. 1 of Puckette, IV. Note the sync, data, sync, data portions and compare to applicant's Fig. 18. Note the use of location data throughout Puckette, IV and in Rosen et al. Therefore, it would have been obvious to one of ordinary skill in the art to have incorporated such additional data as disclosed by Puckette, IV into the Barclay et al./Rosen et al./ Matsumoto/the printed publication system as such would only entail the substitution of one data portion for another.

With respect to claims 4, 20 and 24, note the above and paragraph 0018.

With respect to claims 5, 8, 10, 13 note T/R 111 (base station); again it would have been obvious to one of ordinary skill in the art to have stored the information wherever it was deemed necessary.

With respect to claims 6, 7, 11, 12, 16, 17 both TDMA and CDMA are notoriously well-known in the art and it would have been obvious to one of ordinary skill in the art to have incorporated such TDMA or CDMA wherever it was deemed necessary.

With respect to claims 9, 14, 18 and 19 note the use of wireless phones which include speakers, microphone and a display. In addition, note paragraphs 0017 and 0022.

With respect to claims 15 and 25, note the rejections above.

With respect to claims 21 and 22, note the above and element 109.

Response to Arguments

Applicant's arguments filed 07/21/2016 and 04/26/2017 (last two paragraphs below) have been fully considered but are not deemed persuasive to any error in the rejections above.

Applicant's main argument is that the examiner cannot use anything from Applicant's printed publication No. 2007/0281671 as the filing dates of the instant application and the printed publication have the same priority dates. In general, such an argument would prevail. However, the examiner is citing to a portion of the instant application in which applicant admits in paragraph 0089 that the statement:

"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."

is known prior to filing. That is, the examiner is using applicant's statement that such is prior art. In such a case the filing date is irrelevant.

The examiners argument in the Final Office action dated 01/22/2016 is, in part, repeated below:

Applicant argues none of the references alone or in combination discloses all the elements of claims 3 and 15. The examiner disagrees. Both TDMA and CDMA are cell burst standards having data locations that can contain whatever data that will fit in the slot of the frame including location information. The frames contained in the references

are analogous to the frame in Applicant's Fig 18. **The examiner also points to paragraph 0089 in Applicant's printed publication No. 2007/0281671. Here Applicant states, "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."** So here Applicant has a frame with places already reserved for some data, which is known to persons of ordinary skill in the art. Applicant decides to insert at least location data in these reserved slots. The examiner in light of the above maintains that it would have been obvious to one of ordinary skill in the art to insert whatever data was deemed necessary as long as the data fit in the allocated slot.

In short, how could persons skilled in the art **appreciate** that some cell phone burst standards (e.g., TDMA and CDMA) have signal portions that are reserved for future technologies, unless such was known prior to Applicant filing the application.

In addition, it has been shown that Rosen et al., Matsumoto and (Puckette, IV) teach the claimed limitation, albeit not using CDMA or TDMA but another protocol. Applicant admits that the use of TDMA and CDMA (burst standards) have signal portions reserved for future technologies were know prior to Applicant filing the instant application. To incorporate and/or replace one protocol or standard for another would have been obvious to one of ordinary skill in the art.

Conclusion

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

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Deane whose telephone number is 571-272-7484. The examiner can normally be reached on Monday - FRIDAY from 9:00 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The official fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. However, unofficial faxes can be direct to the examiners computer at 571 273 - 7484.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

22July2017

/WILLIAM DEANE JR/
Primary Examiner, Art Unit 2652

Search Notes 	Application/Control No. 11841765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID
	Examiner William J Deane	Art Unit 2614

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
	Updated the prior search.	26Aug2008	WJD
	Updated the prior search.	19Jun2009	WJD
	Updated the prior search	15Mar2010	WJD
	Updated the above search	27Mar2011	WJD
	Updated the search above	02Dec2011	WJD
	Updated the prior search above	24Aug2012	WJD
	Updated the prior search	30Jun2013	WJD
	updated the search	16Feb2014	WJD
	Updated the search above	21Sep2014	WJD
	Updated the search above	19Apr2015	WJD
	Updated the search	20Jan2016	WJD
	Updated the search dated 01/02/2008	24Oct2016	WJD
	Updated the search above	26Apr2017	WJD

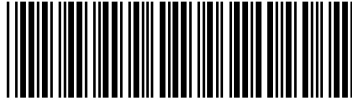
* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

SEARCH NOTES		
Search Notes	Date	Examiner

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

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<i>Index of Claims</i> 	Application/Control No. 11841765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID
	Examiner William J Deane	Art Unit 2614

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

☐ Claims renumbered in the same order as presented by applicant		☐ CPA		☐ T.D.		☐ R.1.47				
CLAIM		DATE								
Final	Original	08/26/2008	06/19/2009	03/15/2010	03/28/2011	12/02/2011	08/24/2012	06/30/2013	02/16/2014	07/22/2017
	1	-	-	-	-	-	-	-	-	-
	2	-	-	-	-	-	-	-	-	-
	3	✓	✓	✓	✓	✓	✓	✓	✓	✓
	4	✓	✓	✓	✓	✓	✓	✓	✓	✓
	5	✓	✓	✓	✓	✓	✓	✓	✓	✓
	6	✓	✓	✓	✓	✓	✓	✓	✓	✓
	7	✓	✓	✓	✓	✓	✓	✓	✓	✓
	8	✓	✓	✓	✓	✓	✓	✓	✓	✓
	9	✓	✓	✓	✓	✓	✓	✓	✓	✓
	10	✓	✓	✓	✓	✓	✓	✓	✓	✓
	11	✓	✓	✓	✓	✓	✓	✓	✓	✓
	12	✓	✓	✓	✓	✓	✓	✓	✓	✓
	13	✓	✓	✓	✓	✓	✓	✓	✓	✓
	14	✓	✓	✓	✓	✓	✓	✓	✓	✓
	15	✓	✓	✓	✓	✓	✓	✓	✓	✓
	16	✓	✓	✓	✓	✓	✓	✓	✓	✓
	17	✓	✓	✓	✓	✓	✓	✓	✓	✓
	18	✓	✓	✓	✓	✓	✓	✓	✓	✓
	19	✓	✓	✓	✓	✓	✓	✓	✓	✓
	20	✓	✓	✓	✓	✓	✓	✓	✓	✓
	21	✓	✓	✓	✓	✓	✓	✓	✓	✓
	22	✓	✓	✓	✓	✓	✓	✓	✓	✓
	23					✓	✓	✓	✓	✓
	24					✓	✓	✓	✓	✓
	25					✓	✓	✓	✓	✓

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

Application Number	11841765	Filing Date	2007-08-20	Docket Number (if applicable)	JDM/002 CON7	Art Unit	2614
First Named Inventor	Jeffrey D. Mullen			Examiner Name	William J. Deane Jr.		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

☐ Other _____

☒ Enclosed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
 (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

☒ The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
 The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to
 Deposit Account No 503855

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Patent Practitioner Signature

☒ Applicant Signature

Applicant Signature			
Applicant 1			<input type="button" value="Remove"/>
Signature	Jeffrey D. Mullen/	Date (YYYY-MM-DD)	2017-01-26
Name	Jeffrey D. Mullen		
Click ADD for additional Applicant Signature			<input type="button" value="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 records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/841,765
Confirmation No. : 2475
Filed : August 20, 2007
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Pittsburgh, PA 15116
January 26, 2018

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated July 26, 2017. A three-month extension of time and a Request for Continued Examination is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 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:
receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device, wherein said signal is provided by said first wireless telephonic device as a phone burst signal that includes an additional data portion;

storing by said device said location information in a storage device;

stripping said location information from said signal; and

providing said signal from said device to a second wireless telephonic device without said location information.

4. (previously presented) A method comprising:
receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device and said signal is provided by said first wireless telephonic device as a phone burst signal that includes an additional data portion;

storing by said device said location information in a storage device;

providing said signal from said device to a second wireless telephonic device without said location information;

receiving a request for said location information from a third wireless telephonic device, wherein access rights assigned by said first wireless telephonic device for said third wireless telephonic device are obtained and said location information is provided to said third wireless telephonic device based on said access rights.

5. (previously presented) The method of claim 3, wherein said device comprises a base station.

6. (currently amended) The method of claim 3, wherein said signal includes a data portion and a reserved portion, wherein said location information is provided in said data portion ~~of a TDMA signal~~.

7. (currently amended) The method of claim 3, wherein said signal includes a data portion and a reserved portion, wherein said location information is provided in said reserved ~~portion of a CDMA signal~~.

8. (previously presented) The method of claim 3, wherein said device comprises a base station and said base station stores said location information in a database.

9. (previously presented) The method of claim 3, wherein said third wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

10. (previously presented) The method of claim 4, wherein said device comprises a base station.

11. (previously presented) The method of claim 4, wherein said signal includes a portion of a TDMA signal.

12. (previously presented) The method of claim 4, wherein said signal includes a portion of a CDMA signal.

13. (previously presented) The method of claim 4, wherein said device comprises a base station and said storage device comprises a database.

14. (previously presented) The method of claim 4, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

15. (previously presented) A system comprising:

- a first wireless telephonic device;
- a second wireless telephonic device; and
- a base station for routing a signal between said first wireless telephonic device and said second wireless telephonic device, wherein said first wireless telephonic device provides said signal as a phone burst signal that includes an additional data portion, said base station receives said signal with data representative of the location of said first wireless telephonic device, said base station provides said signal

to said second wireless telephonic device without said data representative of the location of said first wireless telephonic device, said base station stores said data representation of the location of said first wireless telephonic device to a storage device, said location is requested by said second wireless telephonic device, location access rights are assigned by said first wireless telephonic device for said second device, and said data representative of the location of the first wireless telephonic device is provided to said second wireless telephonic device based on said location access rights.

16. (previously presented) The system of claim 15, wherein said signal includes a portion of a TDMA signal.

17. (previously presented) The system of claim 15, wherein said signal includes a portion of a CDMA signal.

18. (previously presented) The system of claim 15, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with the location of said first wireless telephonic device.

19. (previously presented) The system of claim 15, wherein said second wireless telephonic device is associated with a second location, said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays distance information associated with the distance between the

location associated with said first wireless telephonic device and a second location.

20. (previously presented) The system of claim 15, wherein the location associated with said first wireless telephonic device is provided to a third wireless device.

21. (previously presented) The system of claim 15, wherein a second location is determined for said second telephonic wireless device and said first wireless telephonic devices receives said second location.

22. (previously presented) The system of claim 15, wherein said location comprises information retrieved from a positioning system located on said first wireless device.

23. (previously presented) The method of claim 3, wherein said signal includes synchronization information.

24. (previously presented) The method of claim 4, wherein said signal includes synchronization information.

25. (previously presented) The system of claim 15, wherein said signal includes synchronization information.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-22 are pending.

The Examiner rejected claims 3 and 23 were rejected under 35 103(a) as being unpatentable over Rosen U.S. Patent No. 7,324,832 (hereinafter "Rosen") in view of U.S. Patent No. 6,078,578 (hereinafter "Matsumoto") and Puckette U.S. Patent No. 6,377,565 (hereinafter "Puckette") in view of Applicant's own printed publication No. 2007/0281671 (hereinafter "the printed publication").

The Examiner rejected claims 3-25 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 20030119522 (hereinafter "Barclay") in view of Rosen and further in view of Matsumoto and further still in view of Puckette and the printed publication.

Summary of Applicant's Amendments

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

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the 103(a) Rejections

The Examiner rejected claims 3-25 under 35 103(a) as being unpatentable by Barclay, Rosen, Matsumoto, Puckette, and the publication.

Claim 3

The Examiner stated that:

"the Examiner also points to paragraph 0089 in Applicant's printed publication ... Applicant states '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.'
(Office Action, page 3)

The Examiner implies that this paragraph of applicant's specification is the key to the Examiner's argument.

However, a statement that there are signal portions reserved for future technologies ... does not actually show that technology. Accordingly, the combination is silent to the technology.

As an analogy, the inclusion of a USB port on a computer so that future USB technologies can be connected does not show those future technologies. The USB port does not show or suggest a future USB fan or a USB light. Similarly, an empty space in a signal does not show or suggest any specific future technology.

Accordingly, applicant respectfully requests the Examiner's rejection be withdrawn.

Furthermore, Puckette directly teach away from applicant's structure by stating that the propagation delay is utilized. This directly is against applicant's invention of claim 2 where the signal includes location information for said first wireless telephonic device.

Accordingly, applicant respectfully requests the Examiner's rejection be withdrawn.

Moreover, the Examiner's argument that applicant's specification shows location information - even if true - does not provide an adequate

rejection. This is because there are three elements - not one element - that provides utility with location information. For example, the signal received from the device includes location information. As per another example, the device stores the location information. As per yet another example, the signal is provided to a second device without the location information. Even if the Examiner's argument were valid, the Examiner's position would not provide this element.

Accordingly, applicant respectfully requests the Examiner's rejection be withdrawn.

Additionally, none of the references, used either alone or in combination, show or suggest stripping the location information from the signal.

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

Claim 4

As shown above, claim 3 is patentable. Claim 4 includes patentable features similar to patentable features included in claims 3. None of the references, used either alone or in combination, show or suggest applicant's invention of claim 4 of providing a phone burst signal from a wireless device, receiving a signal at a device from a first wireless telephonic device that includes location information, and providing the signal from the device to a second wireless telephonic device without said location information.

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

Claim 15

As shown above, claims 3 and 4 are patentable. Claim 15 includes patentable features similar to patentable features included in claims 15. None of the references, used either alone or in combination, show or suggest applicant's invention of claim 15 of a base station for routing a signal between said first wireless telephonic device and said second wireless telephonic device, the wireless device provides the signal as a burst signal, the base station receives the signal with data representative of the location of said first wireless telephonic device and provides the signal to said second wireless telephonic device without the data representative of the location of said first wireless telephonic device.

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

Claims 6 and 7

Applicant's claim 6 includes a data portion and a reserved portion, wherein said location information is provided in the data portion.

Applicant's claim 7 includes a data portion and a reserved portion, wherein said location information is provided in the reserved portion.

As shown above, the rejection of claim 3 should be withdrawn. Nonetheless, the Examiner's position can only cover one of the above structures - not both.

The Dependent Claim Rejections

The Examiner rejected claims 5-14 and 16-25 under 35 103(a) as being unpatentable over Barclay and Rosen and further in view of Matsumoto and Puckette. As shown above, claims 3, 4, and 15 are patentable. Claims 5-14 and 16-25 depend from claim 3, 4, or 15. Accordingly, claims 5-14 and 16-25 are patentable for depending from a patentable base claim.

In light of the foregoing, applicant respectfully submits that the Examiner's rejection of claims 5-14 and 16-25 be withdrawn.

The Official Notice Rejection

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

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

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

personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth factual statements and explanation to such a finding. See MPEP 2144.03(c). Accordingly, for any rejection in view of Official Notice, applicant requests that the Examiner provide a specific reference.

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

Conclusion

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

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge any fees associated with this filing, or credit any overpayments thereon, to Deposit Account No. 50-3855, Order No. JDM/002 CON7.

Respectfully Submitted,
/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
2212 Hassinger Lane
Glenshaw, PA 15116
Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal

Application Number:	11841765			
Filing Date:	20-Aug-2007			
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME			
First Named Inventor/Applicant Name:	Jeffrey David Mullen			
Filer:	Jeffrey David Mullen			
Attorney Docket Number:	JDM/002 CON7			
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 3 months with \$0 paid	2253	1	700	700
Miscellaneous:				
RCE- 2ND AND SUBSEQUENT REQUEST	2820	1	950	950
Total in USD (\$)				1650

Electronic Acknowledgement Receipt

EFS ID:	31616440
Application Number:	11841765
International Application Number:	
Confirmation Number:	2475
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 CON7
Receipt Date:	26-JAN-2018
Filing Date:	20-AUG-2007
Time Stamp:	13:18:20
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$ 1650
RAM confirmation Number	012618INTEFSW13211600
Deposit Account	503855
Authorized User	Jeffrey Mullen

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

37 CFR 1.16 (National application filing, search, and examination fees)

37 CFR 1.17 (Patent application and reexamination processing fees)

37 CFR 1.19 (Document supply fees)
37 CFR 1.20 (Post Issuance fees)
37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	JDM-002CON7--RCE.pdf	697804	no	3
			4bf068a487222794cf331e7437770842bc2ae5f8		
Warnings:					
Information:					
2		JDM-002CON7--Reply.pdf	140331	yes	12
			eb562a506626ff1e0867cea141e882b12a83c5e9		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment Submitted/Entered with Filing of CPA/RCE		1	1	
	Claims		2	6	
	Applicant Arguments/Remarks Made in an Amendment		7	12	
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32708	no	2
			7c5b3120b98d53f979ea2cbf67aa2151ef654038		
Warnings:					
Information:					
Total Files Size (in bytes):			870843		

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.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 11/841,765		Filing Date 08/20/2007		☐ To be Mailed				
ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO												
APPLICATION AS FILED - PART I												
		(Column 1)	(Column 2)									
FOR		NUMBER FILED	NUMBER EXTRA		RATE (\$)		FEE (\$)					
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A	N/A		N/A							
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))		N/A	N/A		N/A							
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A	N/A		N/A							
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 = *				x \$25 =						
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 = *				x \$100 =						
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).										
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))												
* If the difference in column 1 is less than zero, enter "0" in column 2.						TOTAL						
APPLICATION AS AMENDED - PART II												
		(Column 1)		(Column 2)	(Column 3)							
AMENDMENT	01/26/2018	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)				
	Total (37 CFR 1.16(i))	* 23	Minus	** 23	= 0	x \$50 =				0		
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	x \$230 =				0		
	☐ Application Size Fee (37 CFR 1.16(s))											
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))											
						TOTAL ADD'L FEE				0		
AMENDMENT		(Column 1)		(Column 2)	(Column 3)							
		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)				
	Total (37 CFR 1.16(i))	*	Minus	**	=	x \$ 0 =						
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x \$ 0 =						
	☐ Application Size Fee (37 CFR 1.16(s))											
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))												
						TOTAL ADD'L FEE						
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.						LIE						
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".						Marquita D Jones						
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".												
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.												

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,765	08/20/2007	Jeffrey David Mullen	JDM/002 CON7	2475

32733 7590 03/29/2018
JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

EXAMINER

DEANE JR, WILLIAM J

ART UNIT	PAPER NUMBER
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2652

MAIL DATE	DELIVERY MODE
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03/29/2018

PAPER

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

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

Office Action Summary	Application No. 11/841,765	Applicant(s) MULLEN, JEFFREY DAVID	
	Examiner WILLIAM DEANE JR	Art Unit 2652	AIA (First Inventor to File) Status No

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

- 1) ☒ Responsive to communication(s) filed on 01/26/2018.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

- 5) ☐ Claim(s) 3-25 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) 3-25 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) | 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
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 negated by the manner in which the invention was made.

Claims 3 - 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 20030119522 (Barclay et al.) in view of U.S. Patent No. 7,324, 832 (Rosen et al.) and further in view of U.S. Patent No. 6,078,578 (Matsumoto) and Puckette IV and in view of Applicant's own printed publication No. 2007/0281671 (hereinafter, the printed publication) and further in view of U.S. Patent No. 20020061746 (Jo et al.) and U.S. Patent No. 5,889,474 (LaDue).

With respect to claims 3 and 23 note paragraphs 0012, 0015 - 0017, 0023 (inherently the location information is stored, at least for some time, at the service provider or elsewhere on the communication network) if this is not agreed, then it would have been obvious to one of ordinary skill in the art, in light of Barclay et al., to store the information wherever it was deemed necessary ; and providing the signal from the

Art Unit: 2652

device to a second wireless device without the location information (see Fig. 4 and 0018). It is believed that the signal in Barclay carries the location information (see Fig. 1). If this is not agreed, note Col. 2, lines 23 – 63 of Rosen et al. It would have been obvious to one of ordinary skill in the art to have incorporated such a signal carrying the location information as disclosed by Rosen et al. into the Barclay et al. system as just another means of getting the location information to the next platform.

With respect to the burst signal and synchronization information, Rosen et al. do not teach burst signals. First TDMA and CDMA are notoriously old in the art and it would have been obvious to have incorporated such whenever or wherever it was deemed necessary. In addition, note that Matsumoto teaches burst signals in Fig. 3. This is a TDMA signal (see Abstract) and as stated above, it would have been obvious to one of ordinary skill in the art to have incorporated TDMA or CDMA wherever it was deemed necessary. It is noted that such TDMA and CDMA are cell burst standards. Therefore, it would have been obvious to have incorporated such burst signals as taught by Matsumoto into the Barclay et al./Rosen et al. system as such would only entail the substitution or addition of one signal type for another.

In addition, note paragraph 0089 from Applicant's printed publication 2007/0281671.

Both TDMA and CDMA are cell burst standards having data locations that can contain whatever data that will fit in the slot of the frame including location information. The frames contained in the references are analogous to the frame in Applicant's Fig

18. **The examiner also points to paragraph 0089 in Applicant's printed publication**

No. 2007/0281671. Here Applicant states, “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.” So here Applicant has a frame with places already reserved for some data, which is known to persons of ordinary skill in the art. Applicant decides to insert at least location data in these reserved slots. In light of the above, it would have been obvious to one of ordinary skill in the art to have incorporated the teachings in the 2007/0281671 printed publication into the Matsumoto/Barclay et al./Rosen et al. system as an obvious design choice.

With respect to the ability to have location information and additional data portion, note Fig. 1 of Puckette, IV. Note the sync, data, sync, data portions and compare to applicant's Fig. 18. Note the use of location data throughout Puckette, IV and in Rosen et al. Therefore, it would have been obvious to one of ordinary skill in the art to have incorporated such additional data as disclosed by Puckette, IV into the Barclay et al./Rosen et al./ Matsumoto/the printed publication system as such would only entail the substitution of one data portion for another.

With respect to the new claim language:

“stripping said location information from said signal;”

Please note paragraph 0060 of Jo et al. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Jo et al. into the Barclay et al./Rosen et al./Mansanto/ Puckette, IV et al./the printed publication in order to ensure privacy for a user.

With respect to claims 4, 20 and 24, note the above and paragraph 0018.

With respect to claims 5, 8, 10, 13 note T/R 111 (base station); again it would have been obvious to one of ordinary skill in the art to have stored the information wherever it was deemed necessary.

With respect to claims 6, 7, 11, 12, 16, 17 both TDMA and CDMA are notoriously well-known in the art and it would have been obvious to one of ordinary skill in the art to have incorporated such TDMA or CDMA wherever it was deemed necessary.

With respect to the new claim language of a data portion and a reserve portion, note at least Col. 10, line 65 – Col. 11, line 59 of LaDue. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of LaDue into the Barclay et al./Rosen et al./Mansanto/ Puckette, IV et al./the printed publication/Jo et al. system and method as this is how it appears things are done. Also, it would have been obvious to one of ordinary skill in the art to put the location information in either the reserved portion or the data portion since both the data portion and reserve portion accepts data, which is what location information is.

With respect to claims 9, 14, 18 and 19 note the use of wireless phones which include speakers, microphone and a display. In addition, note paragraphs 0017 and 0022.

With respect to claims 15 and 25, note the rejections above.

With respect to claims 21 and 22, note the above and element 109.

Response to Arguments

Applicant's arguments with respect to claims 3 - 25 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

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).

28Mar2018

/WILLIAM DEANE JR/
Primary Examiner, Art Unit 2652

Notice of References Cited	Application/Control No. 11/841,765		Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID	
	Examiner WILLIAM DEANE JR		Art Unit 2652	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-2002/0061746 A1	05-2002	Jo, Jin Mahn	H04W8/12	455/433
*	B	US-5,889,474 A	03-1999	LaDue; Christoph K.	G07C9/00111	340/10.41
*	C	US-2004/0109435 A1	06-2004	Alasti, Mehdi	H04L1/0006	370/350
*	D	US-2002/0177451 A1	11-2002	Ogasawara, Koichi	H04W64/00	455/456.1
*	E	US-2009/0029717 A1	01-2009	Bates; Cary Lee	H04W4/02	455/456.1
*	F	US-6,088,586 A	07-2000	Haverty; James D.	H04W64/00	455/422.1
*	G	US-8,073,087 B2	12-2011	Casaccia; Lorenzo	H04L1/0045	375/347
	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.

<i>Index of Claims</i> 	Application/Control No. 11841765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID
	Examiner William J Deane	Art Unit 2614

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

☐ Claims renumbered in the same order as presented by applicant		☐ CPA		☐ T.D.		☐ R.1.47				
CLAIM		DATE								
Final	Original	08/26/2008	06/19/2009	03/15/2010	03/28/2011	12/02/2011	08/24/2012	06/30/2013	02/16/2014	03/28/2018
	1	-	-	-	-	-	-	-	-	-
	2	-	-	-	-	-	-	-	-	-
	3	✓	✓	✓	✓	✓	✓	✓	✓	✓
	4	✓	✓	✓	✓	✓	✓	✓	✓	✓
	5	✓	✓	✓	✓	✓	✓	✓	✓	✓
	6	✓	✓	✓	✓	✓	✓	✓	✓	✓
	7	✓	✓	✓	✓	✓	✓	✓	✓	✓
	8	✓	✓	✓	✓	✓	✓	✓	✓	✓
	9	✓	✓	✓	✓	✓	✓	✓	✓	✓
	10	✓	✓	✓	✓	✓	✓	✓	✓	✓
	11	✓	✓	✓	✓	✓	✓	✓	✓	✓
	12	✓	✓	✓	✓	✓	✓	✓	✓	✓
	13	✓	✓	✓	✓	✓	✓	✓	✓	✓
	14	✓	✓	✓	✓	✓	✓	✓	✓	✓
	15	✓	✓	✓	✓	✓	✓	✓	✓	✓
	16	✓	✓	✓	✓	✓	✓	✓	✓	✓
	17	✓	✓	✓	✓	✓	✓	✓	✓	✓
	18	✓	✓	✓	✓	✓	✓	✓	✓	✓
	19	✓	✓	✓	✓	✓	✓	✓	✓	✓
	20	✓	✓	✓	✓	✓	✓	✓	✓	✓
	21	✓	✓	✓	✓	✓	✓	✓	✓	✓
	22	✓	✓	✓	✓	✓	✓	✓	✓	✓
	23					✓	✓	✓	✓	✓
	24					✓	✓	✓	✓	✓
	25					✓	✓	✓	✓	✓

Search Notes 	Application/Control No. 11841765	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY DAVID
	Examiner William J Deane	Art Unit 2614

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
	Updated the prior search.	26Aug2008	WJD
	Updated the prior search.	19Jun2009	WJD
	Updated the prior search	15Mar2010	WJD
	Updated the above search	27Mar2011	WJD
	Updated the search above	02Dec2011	WJD
	Updated the prior search above	24Aug2012	WJD
	Updated the prior search	30Jun2013	WJD
	updated the search	16Feb2014	WJD
	Updated the search above	21Sep2014	WJD
	Updated the search above	19Apr2015	WJD
	Updated the search	20Jan2016	WJD
	Updated the search dated 01/02/2008	24Oct2016	WJD
	Updated the search above	26Apr2017	WJD
	Updated the searches above	28Mar2018	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

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

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/841,765	Filing Date 08/20/2007	☐ To be Mailed
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 ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

(Column 1)

(Column 2)

FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

(Column 1)

(Column 2)

(Column 3)

AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	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		

(Column 1)

(Column 2)

(Column 3)

AMENDMENT	10/01/2018	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 23	Minus	** 23	= 0	X \$50 =	0
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	X \$230 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
					TOTAL ADD'L FEE	0	

* 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
 Chantae Dessau

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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/841,765
Confirmation No. : 2475
Filed : August 20, 2007
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Pittsburgh, PA 15116
October 1, 2018

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated March 29, 2018. A three-month extension of time is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 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:
receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device, wherein said signal is provided by said first wireless telephonic device as a phone burst signal that includes an additional data portion;

storing by said device said location information in a storage device;

stripping said location information from said signal; and

providing said signal from said device to a second wireless telephonic device without said location information.

4. (currently amended) A method comprising:
receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device and said signal is provided by said first wireless telephonic device as a phone burst signal that includes an additional data portion;

storing by said device said location information in a storage device;

stripping said location information from said signal;

providing said signal from said device to a second wireless telephonic device without said location information;

receiving a request for said location information from a third wireless telephonic device, wherein access rights assigned by said first wireless telephonic device for said third wireless telephonic device are obtained and said location information is provided to said third wireless telephonic device based on said access rights.

5. (previously presented) The method of claim 3, wherein said device comprises a base station.

6. (previously presented) The method of claim 3, wherein said signal includes a data portion and a reserved portion, wherein said location information is provided in said data portion.

7. (previously presented) The method of claim 3, wherein said signal includes a data portion and a reserved portion, wherein said location information is provided in said reserved portion.

8. (previously presented) The method of claim 3, wherein said device comprises a base station and said base station stores said location information in a database.

9. (previously presented) The method of claim 3, wherein said third wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

10. (previously presented) The method of claim 4, wherein said device comprises a base station.

11. (previously presented) The method of claim 4, wherein said signal includes a portion of a TDMA signal.

12. (previously presented) The method of claim 4, wherein said signal includes a portion of a CDMA signal.

13. (previously presented) The method of claim 4, wherein said device comprises a base station and said storage device comprises a database.

14. (previously presented) The method of claim 4, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

15. (currently amended) A system comprising:
a first wireless telephonic device;
a second wireless telephonic device; and
a base station for routing a signal between said first wireless telephonic device and said second wireless telephonic device, wherein said first wireless telephonic device provides said signal as a phone burst signal that includes an additional data portion, said
~~portion, said~~ base station receives said signal with data representative of the location of said first wireless telephonic device, said data representative of the location of said first wireless telephonic device is

stripped from said signal, and said base station provides said signal to said second wireless telephonic device without said data representative of the location of said first wireless telephonic device, said base station stores said data representation of the location of said first wireless telephonic device to a storage device, said location is requested by said second wireless telephonic device, location access rights are assigned by said first wireless telephonic device for said second device, and said data representative of the location of the first wireless telephonic device is provided to said second wireless telephonic device based on said location access rights.

16. (previously presented) The system of claim 15, wherein said signal includes a portion of a TDMA signal.

17. (previously presented) The system of claim 15, wherein said signal includes a portion of a CDMA signal.

18. (previously presented) The system of claim 15, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with the location of said first wireless telephonic device.

19. (previously presented) The system of claim 15, wherein said second wireless telephonic device is associated with a second location, said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays distance

information associated with the distance between the location associated with said first wireless telephonic device and a second location.

20. (previously presented) The system of claim 15, wherein the location associated with said first wireless telephonic device is provided to a third wireless device.

21. (previously presented) The system of claim 15, wherein a second location is determined for said second telephonic wireless device and said first wireless telephonic devices receives said second location.

22. (previously presented) The system of claim 15, wherein said location comprises information retrieved from a positioning system located on said first wireless device.

23. (previously presented) The method of claim 3, wherein said signal includes synchronization information.

24. (previously presented) The method of claim 4, wherein said signal includes synchronization information.

25. (previously presented) The system of claim 15, wherein said signal includes synchronization information.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-22 are pending.

The Examiner rejected claims 3-25 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 20030119522 (hereinafter "Barclay") in view of Rosen et al. U.S. Patent No. 7,324,832 (hereinafter "Rosen") and further in view of U.S. Patent No. 6,078,578 (hereinafter "Matsumoto") and Puckette U.S. Patent No. 6,377,565 (hereinafter "Puckette") in view of Applicant's own printed publication No. 2007/0281671 (hereinafter "the printed publication") and further in view of Joe et al. U.S. Patent No. 2002/0061746 (hereinafter "Jo") and LaDue U.S. Patent No. 5,889,474 (hereinafter ("LaDue")).

Summary of Applicant's Amendments

Applicant has amended claims 4 and 15 without prejudice and solely in order to expedite prosecution.

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the 103(a) Rejections

The Examiner rejected claims 3-25 under 35 103(a) as being unpatentable by Barclay, Rosen, Matsumoto, Puckette, the publication, Joe, and LaDue.

Claim 3

The Examiner stated that with regards to applicant's feature of stripping location information from the signal:

"Please note paragraph 60 of Jo et al. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Jo et al. into the Barclay et al./Rosen et al/Mansanto/Puckette, IV et al./the printed publication in order to ensure privacy for the user."
(Office Action, page 5)

Applicant had previously amended claim 3 without prejudice and solely in order to expedite prosecution.

The Examiner now provides a seven reference rejection to applicant's claim 3 - with one of the references is applicant's specification itself.

Wireless communication technology has been around for over a century. Wireless communication technology may be one of the most active areas of technology. Accordingly, applicant submits that the need for seven references is, in itself, evidence of patentability of applicant's invention of claim 3.

The Examiner's directed applicant to paragraph 60 of Jo, which states:

"The location area update request signal 5Ab is transmitted to the HLR 16a of the home network via the VLR_B1, GLR_B 19 and GLR_A 19a. The HLR 16a transmits the location information cancel request signal about the terminal MS_A to the VLR_A1 22 of the home network. The VLR_A1 22 cancels the location information about the terminal MS_A and then transmits a location information cancel acknowledgement request signal 4Ae. Then, a line subscriber information transmission message 4Af is transmitted to the VLR_B114 of the visitor

network via the GLR_A 19a and GLR_B 19.”
(Jo, paragraph 60)

Jo, however, is irrelevant to applicant's claim 3. Jo merely discusses the management of location registration between home and visitor networks as a mobile station travels around the world. Jo alleges manages a cancel request message so that a consumer can travel between home and visitor networks.

Jo, neither used alone or in combination with other references, does not show or suggest applicant's claims 3 of receiving a signal from a first wireless telephonic device that includes location information, stripping said location information from said signal, and providing said signal to a second wireless telephonic device.

As can be seen in Jo's paragraph 60, Jo does not show or suggest receiving a signal from a first wireless telephonic device, stripping the location information from that signal, and then providing that signal to a second wireless telephonic device. The communication to handle roaming between home and visitor networks via a cancel request signal discussed by Jo does not show or suggest these features between the first and second wireless telephonic device.

Applicant had previously amended claim 3, without prejudice and solely in order to expedite prosecution with a feature not shown or suggested by the combination of references. The Examiner had added Jo to, at least in part, show this new feature. Applicant respectfully submits that Jo does not show all of the elements of this feature. In light of the foregoing, applicant respectfully

submits that the Examiner's rejection of claim 3, and any claims dependent therefrom, be withdrawn.

Claim 4

As shown above, claim 3 is patentable. Applicant has amended claim 4 without prejudice and solely in order to expedite prosecution. Claim 4 includes patentable features similar to patentable features included in claims 3. None of the references, used either alone or in combination, show or suggest applicant's invention of claim 4 of providing a phone burst signal from a wireless device, receiving a signal at a device from a first wireless telephonic device that includes location information, and providing the signal from the device to a second wireless telephonic device without said location information.

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

Claim 15

As shown above, claims 3 and 4 are patentable. Applicant has amended claim 15 without prejudice and solely in order to expedite prosecution. Claim 15 includes patentable features similar to patentable features included in claims 15. None of the references, used either alone or in combination, show or suggest applicant's invention of claim 15 of a base station for routing a signal between said first wireless telephonic device and said second wireless telephonic device, the wireless device provides the signal as a burst signal, the base station receives the signal with data representative of the location of said first wireless

telephonic device and provides the signal to said second wireless telephonic device without the data representative of the location of said first wireless telephonic device.

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

The Dependent Claim Rejections

The Examiner rejected claims 5-14 and 16-25 under 35 103(a) as being unpatentable over Barclay and Rosen and further in view of Matsumoto and Puckette. As shown above, claims 3, 4, and 15 are patentable. Claims 5-14 and 16-25 depend from claim 3, 4, or 15. Accordingly, claims 5-14 and 16-25 are patentable for depending from a patentable base claim.

In light of the foregoing, applicant respectfully submits that the Examiner's rejection of claims 5-14 and 16-25 be withdrawn.

The Official Notice Rejection

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

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

have the Examiner provide documentary proof that those facts are actually well known.

The Examiner "cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth factual statements and explanation to such a finding. See MPEP 2144.03(c). Accordingly, for any rejection in view of Official Notice, applicant requests that the Examiner provide a specific reference.

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

Conclusion

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

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge any fees associated with this filing, or credit any overpayments thereon, to Deposit Account No. 50-3855, Order No. JDM/002 CON7.

Respectfully Submitted,

/Jeffrey D. Mullen/

Jeffrey D. Mullen

Applicant (Reg. No. 52,056)

Customer No. 32733

2212 Hassinger Lane

Glenshaw, PA 15116
Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal

Application Number:	11841765			
Filing Date:	20-Aug-2007			
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME			
First Named Inventor/Applicant Name:	Jeffrey David Mullen			
Filer:	Jeffrey David Mullen			
Attorney Docket Number:	JDM/002 CON7			
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:	33887184
Application Number:	11841765
International Application Number:	
Confirmation Number:	2475
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 CON7
Receipt Date:	01-OCT-2018
Filing Date:	20-AUG-2007
Time Stamp:	20:16:56
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$ 700
RAM confirmation Number	100218INTEFSW00006838503855
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-002CON7--Reply.pdf	140625	yes	13
			19d7e6eca13fce56876454ca2bf0ada9f45f5091		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
	Claims		2	6	
	Applicant Arguments/Remarks Made in an Amendment		7	13	
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30734	no	2
			faf6d2b829667a732cfec1a2f23df534b69e2086		
Warnings:					
Information:					
Total Files Size (in bytes):			171359		

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,765	08/20/2007	Jeffrey David Mullen	JDM/002 CON7	2475
32733	7590	01/22/2019	EXAMINER	
JEFFREY D. MULLEN			DEANE JR, WILLIAM J	
2212 Hassinger Lane				
Glenshaw, PA 15116				
			ART UNIT	PAPER NUMBER
			2652	
			MAIL DATE	DELIVERY MODE
			01/22/2019	PAPER

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

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

Notice of Pre-AIA or AIA Status

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 negated by the manner in which the invention was made.

Claims 3 - 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 20030119522 (Barclay et al.) in view of U.S. Patent No. 7,324, 832 (Rosen et al.) and further in view of U.S. Patent No. 6,078,578 (Matsumoto) and Puckette IV and in view of Applicant's own printed publication No. 2007/0281671 (hereinafter, the printed publication) and further in view of U.S. Patent No. 20020061746 (Jo et al.) or U.S. Patent Application No. 2010/0151815 (Zellner et al.) and U.S. Patent No. 5,889,474 (LaDue).

With respect to claims 3 and 23 note paragraphs 0012, 0015 - 0017, 0023 (inherently the location information is stored, at least for some time, at the service provider or elsewhere on the communication network) if this is not agreed, then it would have been obvious to one of ordinary skill in the art, in light of Barclay et al., to store the information wherever it was deemed necessary ; and providing the signal from the device to a second wireless device without the location information (see Fig. 4 and

0018). It is believed that the signal in Barclay carries the location information (see Fig. 1). If this is not agreed, note Col. 2, lines 23 – 63 of Rosen et al. It would have been obvious to one of ordinary skill in the art to have incorporated such a signal carrying the location information as disclosed by Rosen et al. into the Barclay et al. system as just another means of getting the location information to the next platform.

With respect to the burst signal and synchronization information, Rosen et al. do not teach burst signals. First TDMA and CDMA are notoriously old in the art and it would have been obvious to have incorporated such whenever or wherever it was deemed necessary. In addition, note that Matsumoto teaches burst signals in Fig. 3. This is a TDMA signal (see Abstract) and as stated above, it would have been obvious to one of ordinary skill in the art to have incorporated TDMA or CDMA wherever it was deemed necessary. It is noted that such TDMA and CDMA are cell burst standards. Therefore, it would have been obvious to have incorporated such burst signals as taught by Matsumoto into the Barclay et al./Rosen et al. system as such would only entail the substitution or addition of one signal type for another.

In addition, note paragraph 0089 from Applicant's printed publication 2007/0281671.

Both TDMA and CDMA are cell burst standards having data locations that can contain whatever data that will fit in the slot of the frame including location information. The frames contained in the references are analogous to the frame in Applicant's Fig 18. **The examiner also points to paragraph 0089 in Applicant's printed publication No. 2007/0281671. Here Applicant states, "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.” So here Applicant has a frame with places already reserved for some data, which is known to persons of ordinary skill in the art. Applicant decides to insert at least location data in these reserved slots. In light of the above, it would have been obvious to one of ordinary skill in the art to have incorporated the teachings in the 2007/0281671 printed publication into the Matsumoto/Barclay et al./Rosen et al. system as an obvious design choice.

With respect to the ability to have location information and additional data portion, note Fig. 1 of Puckette, IV. Note the sync, data, sync, data portions and compare to applicant’s Fig. 18. Note the use of location data throughout Puckette, IV and in Rosen et al. Therefore, it would have been obvious to one of ordinary skill in the art to have incorporated such additional data as disclosed by Puckette, IV into the Barclay et al./Rosen et al./ Matsumoto/the printed publication system as such would only entail the substitution of one data portion for another.

With respect to the claim language:

“stripping said location information from said signal;”

Please note paragraph 0060 of Jo et al. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Jo et al. into the Barclay et al./Rosen et al./Mansanto/ Puckette, IV et al./the printed publication in order to ensure privacy for a user.

If this is argued, note paragraph 0016 of Zellner et al. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Zellner et al. into the Barclay et al./Rosen et al./Mansanto/ Puckette, IV et al./the printed publication in order to ensure privacy for a user.

With respect to claims 4, 20 and 24, note the above and paragraph 0018.

With respect to claims 5, 8, 10, 13 note T/R 111 (base station); again it would have been obvious to one of ordinary skill in the art to have stored the information wherever it was deemed necessary.

With respect to claims 6, 7, 11, 12, 16, 17 both TDMA and CDMA are notoriously well-known in the art and it would have been obvious to one of ordinary skill in the art to have incorporated such TDMA or CDMA wherever it was deemed necessary.

With respect to the new claim language of a data portion and a reserve portion, note at least Col. 10, line 65 – Col. 11, line 59 of LaDue. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of LaDue into the Barclay et al./Rosen et al./Mansanto/ Puckette, IV et al./the printed publication/Jo et al. system and method as this is how it appears things are done. Also, it would have been obvious to one of ordinary skill in the art to put the location information in either the reserved portion or the data portion since both the data portion and reserve portion accepts data, which is what location information is.

With respect to claims 9, 14, 18 and 19 note the use of wireless phones which include speakers, microphone and a display. In addition, note paragraphs 0017 and 0022.

With respect to claims 15 and 25, note the rejections above.

With respect to claims 21 and 22, note the above and element 109.

Response to Arguments

Applicant's arguments filed 10/01/2018 have been fully considered but are not deemed persuasive to any error in the rejection above.

In addition, both Jo et al. and Zellner et al. disclose the stripping away location information. Zellner was added only to show that another reference that blocks or strips or removes location information from a signal and that such is old in the art.

Conclusion

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

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Deane whose telephone number is 571-272-7484. The examiner can normally be reached on Monday - FRIDAY from 9:00 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The official fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300. However, unofficial faxes can be direct to the examiners computer at 571 273 - 7484.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

19Jan2019

/WILLIAM J DEANE JR/
Primary Examiner, Art Unit 2652

<i>Notice of References Cited</i>	Application/Control No. 11/841,765		Applicant(s)/Patent Under Reexamination Mullen, Jeffrey David	
	Examiner WILLIAM J 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-20100151815-A1	06-2010	Zellner, Samuel N.	H04W4/02	455/404.2
	B					
	C					
	D					
	E					
	F					
	G					
	H					
	I					
	J					
	K					
	L					
	M					

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.

<i>Index of Claims</i> 	Application/Control No. 11/841,765	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey David
	Examiner WILLIAM J DEANE JR	Art Unit 2652

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

CLAIMS										
☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47										
CLAIM		DATE								
Final	Original	08/26/2008	06/19/2009	03/15/2010	03/28/2011	12/02/2011	08/24/2012	06/30/2013	02/16/2014	01/19/2019
	1	-	-	-	-	-	-	-	-	-
	2	-	-	-	-	-	-	-	-	-
	3	✓	✓	✓	✓	✓	✓	✓	✓	✓
	4	✓	✓	✓	✓	✓	✓	✓	✓	✓
	5	✓	✓	✓	✓	✓	✓	✓	✓	✓
	6	✓	✓	✓	✓	✓	✓	✓	✓	✓
	7	✓	✓	✓	✓	✓	✓	✓	✓	✓
	8	✓	✓	✓	✓	✓	✓	✓	✓	✓
	9	✓	✓	✓	✓	✓	✓	✓	✓	✓
	10	✓	✓	✓	✓	✓	✓	✓	✓	✓
	11	✓	✓	✓	✓	✓	✓	✓	✓	✓
	12	✓	✓	✓	✓	✓	✓	✓	✓	✓
	13	✓	✓	✓	✓	✓	✓	✓	✓	✓
	14	✓	✓	✓	✓	✓	✓	✓	✓	✓
	15	✓	✓	✓	✓	✓	✓	✓	✓	✓
	16	✓	✓	✓	✓	✓	✓	✓	✓	✓
	17	✓	✓	✓	✓	✓	✓	✓	✓	✓
	18	✓	✓	✓	✓	✓	✓	✓	✓	✓
	19	✓	✓	✓	✓	✓	✓	✓	✓	✓
	20	✓	✓	✓	✓	✓	✓	✓	✓	✓
	21	✓	✓	✓	✓	✓	✓	✓	✓	✓
	22	✓	✓	✓	✓	✓	✓	✓	✓	✓
	23					✓	✓	✓	✓	✓
	24					✓	✓	✓	✓	✓
	25					✓	✓	✓	✓	✓

<i>Search Notes</i> 	Application/Control No. 11/841,765	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey David
	Examiner WILLIAM J DEANE JR	Art Unit 2652

CPC - Searched*		
Symbol	Date	Examiner

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
	Updated the prior search.	26Aug2008	WJD
	Updated the prior search.	19Jun2009	WJD
	Updated the prior search	15Mar2010	WJD
	Updated the above search	27Mar2011	WJD
	Updated the search above	02Dec2011	WJD
	Updated the prior search above	24Aug2012	WJD
	Updated the prior search	30Jun2013	WJD
	updated the search	16Feb2014	WJD
	Updated the search above	21Sep2014	WJD
	Updated the search above	19Apr2015	WJD
	Updated the search	20Jan2016	WJD
	Updated the search dated 01/02/2008	24Oct2016	WJD
	Updated the search above	26Apr2017	WJD
	Updated the searches above	28Mar2018	WJD
	Updated the searches above	01/19/2019	WJD

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

/WILLIAM J DEANE JR/ Primary Examiner, Art Unit 2652	
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<i>Search Notes</i> 	Application/Control No. 11/841,765	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey David
	Examiner WILLIAM J DEANE JR	Art Unit 2652

Search Notes		
Search Notes	Date	Examiner

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

/WILLIAM J DEANE JR/ Primary Examiner, Art Unit 2652	
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REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL **(Submitted Only via EFS-Web)**

Application Number	11841765	Filing Date	2007-08-20	Docket Number (if applicable)	JDM/002 CON7	Art Unit	2614
First Named Inventor	Jeffrey D. Mullen			Examiner Name	William J. Deane Jr.		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

☐ Other _____

☒ Enclosed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
 (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 503855

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Patent Practitioner Signature

☒ Applicant Signature

Applicant Signature			
Applicant 1			<input type="button" value="Remove"/>
Signature	Jeffrey D. Mullen/	Date (YYYY-MM-DD)	2017-01-26
Name	Jeffrey D. Mullen		
Click ADD for additional Applicant Signature			<input type="button" value="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 records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/841,765
Confirmation No. : 2475
Filed : August 20, 2007
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Pittsburgh, PA 15116
July 21, 2019

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated January 22, 2019. A three-month extension of time and a Request for Continued Examination is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 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:
receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device, wherein said signal is provided by said first wireless telephonic device as a phone burst signal that includes an additional data portion;

storing by said device said location information in a storage device;

stripping said location information from said signal; and

providing said signal from said device to a second wireless telephonic device without said location information.

4. (previously presented) A method comprising:
receiving a signal at a device from a first wireless telephonic device, wherein said signal includes location information for said first wireless telephonic device and said signal is provided by said first wireless telephonic device as a phone burst signal that includes an additional data portion;

storing by said device said location information in a storage device;

stripping said location information from said signal;

providing said signal from said device to a second wireless telephonic device without said location information;

receiving a request for said location information from a third wireless telephonic device, wherein access rights assigned by said first wireless telephonic device for said third wireless telephonic device are obtained and said location information is provided to said third wireless telephonic device based on said access rights.

5. (previously presented) The method of claim 3, wherein said device comprises a base station.

6. (previously presented) The method of claim 3, wherein said signal includes a data portion and a reserved portion, wherein said location information is provided in said data portion.

7. (previously presented) The method of claim 3, wherein said signal includes a data portion and a reserved portion, wherein said location information is provided in said reserved portion.

8. (previously presented) The method of claim 3, wherein said device comprises a base station and said base station stores said location information in a database.

9. (previously presented) The method of claim 3, wherein said third wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

10. (previously presented) The method of claim 4, wherein said device comprises a base station.

11. (previously presented) The method of claim 4, wherein said signal includes a portion of a TDMA signal.

12. (previously presented) The method of claim 4, wherein said signal includes a portion of a CDMA signal.

13. (previously presented) The method of claim 4, wherein said device comprises a base station and said storage device comprises a database.

14. (previously presented) The method of claim 4, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with said location information.

15. (previously presented) A system comprising:

- a first wireless telephonic device;
- a second wireless telephonic device; and
- a base station for routing a signal between said first wireless telephonic device and said second wireless telephonic device, wherein said first wireless telephonic device provides said signal as a phone burst signal that includes an additional data portion, said base station receives said signal with data representative of the location of said first wireless telephonic device, said data representative of the

location of said first wireless telephonic device is stripped from said signal, and said base station provides said signal to said second wireless telephonic device without said data representative of the location of said first wireless telephonic device, said base station stores said data representation of the location of said first wireless telephonic device to a storage device, said location is requested by said second wireless telephonic device, location access rights are assigned by said first wireless telephonic device for said second device, and said data representative of the location of the first wireless telephonic device is provided to said second wireless telephonic device based on said location access rights.

16. (previously presented) The system of claim 15, wherein said signal includes a portion of a TDMA signal.

17. (previously presented) The system of claim 15, wherein said signal includes a portion of a CDMA signal.

18. (previously presented) The system of claim 15, wherein said second wireless telephonic device includes a display, a speaker, and a microphone and said display displays a map that includes an area associated with the location of said first wireless telephonic device.

19. (previously presented) The system of claim 15, wherein said second wireless telephonic device is associated with a second location, said second wireless telephonic device includes a display, a speaker,

and a microphone and said display displays distance information associated with the distance between the location associated with said first wireless telephonic device and a second location.

20. (previously presented) The system of claim 15, wherein the location associated with said first wireless telephonic device is provided to a third wireless device.

21. (previously presented) The system of claim 15, wherein a second location is determined for said second telephonic wireless device and said first wireless telephonic devices receives said second location.

22. (previously presented) The system of claim 15, wherein said location comprises information retrieved from a positioning system located on said first wireless device.

23. (previously presented) The method of claim 3, wherein said signal includes synchronization information.

24. (previously presented) The method of claim 4, wherein said signal includes synchronization information.

25. (previously presented) The system of claim 15, wherein said signal includes synchronization information.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-22 are pending.

The Examiner rejected claims 3-25 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 20030119522 (hereinafter "Barclay") in view of Rosen et al. U.S. Patent No. 7,324,832 (hereinafter "Rosen") and further in view of U.S. Patent No. 6,078,578 (hereinafter "Matsumoto") and Puckette U.S. Patent No. 6,377,565 (hereinafter "Puckette") in view of Applicant's own printed publication No. 2007/0281671 (hereinafter "the printed publication") and further in view of Joe et al. U.S. Patent No. 2002/0061746 (hereinafter "Jo") or Zellner U.S. Patent Application Publication No. 2010/0151815 (hereinafter "Zellner") and LaDue U.S. Patent No. 5,889,474 (hereinafter ("LaDue")).

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the 103(a) Rejections

The Examiner rejected claims 3-25 under 35 103(a) as being unpatentable by Barclay, Rosen, Matsumoto, Puckette, the publication, Joe or Zellner, and LaDue.