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18/123,619	03/20/2023	Glenn Norman Sanders	ZZ0001.068	1083
39689	7590	07/11/2023	EXAMINER	
Chipperson Law Group, P.C.			FERGUSON, KEITH	
163 Madison Avenue			ART UNIT	
Suite 220-40			PAPER NUMBER	
Morristown, NJ 07960			2648	
			NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

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

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

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DETAILED ACTION

Notice of Pre-AIA or AIA Status

1. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Claim Rejections - 35 USC § 102

2. In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis (i.e., changing from AIA to pre-AIA) for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

3. 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 –

(a)(2) the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or application, as the case may be, names another inventor and was effectively filed before the effective filing date of the claimed invention.

4. Claim(s) 1 is/are rejected under 35 U.S.C. 102 (a)(2) as being anticipated by Horiuchi et al. (U.S. Pub. No. 2004/0237115).

The claimed invention reads on Horiuchi et al. as follows:

Regarding claim 1, Horiuchi et al. discloses a method (fig. 4) of dynamically adjusting the power level of at least one server for receiving voice, cable, cable television, etc.) (local audio device) (fig. 5 number 51 and P:0016, P:0018) comprising: querying a recording medium (fig. 5 number 16) (record status) of a recorder is mounted to a remote control unit (P:0053 lines 1-6) ; generating a power command to turn on the power supply to the server based upon said record status to transmitter (fig. 5 number 9) (P:0053 lines 1-13) ; transmitting said power command to at least one local audio device (fig. 5 number 51 and

P:0053 lines 1-13); controller (processing) (fig. 5 number 53) of said power command by said at least one local audio device (P:0053 lines 7-13); turning on (adjusting) at least one local audio device content receiver (RF drive level) for executing transmission and reception of data to the recording medium (fig. 5 number 5 and P:0053 lines 3-13 and P:0056 lines 4-6).

Claim Rejections - 35 USC § 103

5. In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis (i.e., changing from AIA to pre-AIA) for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

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

A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim(s) 1 is/are rejected under 35 U.S.C. 103 as being unpatentable over Horiuchi et al. (U.S. Pub. No. 2004/0237115) in view of Leonard (U.S. Patent 4,872,195).

Regarding claim 1, Horiuchi et al. discloses a method (fig. 4) of dynamically adjusting the power level of at least one server for receiving voice, cable, cable television, etc.) (local audio device) (fig. 5 number 51 and P:0016, P:0018) comprising: querying a recording medium (fig. 5 number 16) (record status) of a recorder is mounted to a remote control unit (P:0053 lines 1-6) ; generating a power command to turn on the power supply to the server based upon said record status to transmitter (fig. 5 number 9) (P:0053 lines 1-13) ; transmitting said power command to at least one local audio device (fig.

5 number 51 and P:0053 lines 1-13); controller (processing)(fig. 5 number 53) of said power command by said at least one local audio device (P:0053 lines 7-13). Horiuchi et al. differs from claim 1 of the present invention in that it does not explicit disclose adjusting one local audio device RF transmitter source voltage. Leonard (U.S. Patent 4,872,195) teaches a method for remote control of a radio or television (abstract) for change operating conditions of a radio or television transmitter, where it uses an increase voltage to shut down the transmitter circuitry (col. 6 line 37 through col. 7 line 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Horiuchi et al. with adjusting one local audio device RF transmitter source voltage in order for the remote control unit to shut down the server transmitter, as taught by Leonard.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEITH FERGUSON whose telephone number is (571)272-7865. The examiner can normally be reached M-F 7 am -3 pm.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wesley L Kim can be reached on (571) 272-7867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/KEITH FERGUSON/
Primary Examiner, Art Unit 2648