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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/342,841	11/03/2016	James Milam	3510-12924.1(156.BBUD.NP)	8697
102187	7590	06/14/2017		
Traskbritt, P.C. / Skullcandy Inc.			EXAMINER	
230 South 500 East			ANWAH, OLISA	
Suite # 300				
Salt Lake City, UT 84102			ART UNIT	PAPER NUMBER
			2655	
			NOTIFICATION DATE	DELIVERY MODE
			06/14/2017	ELECTRONIC

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

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

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

USPTOMail@traskbritt.com

Office Action Summary	Application No. 15/342,841	Applicant(s) MILAM ET AL.	
	Examiner OLISA ANWAH	Art Unit 2655	AIA (First Inventor to File) Status Yes

-- 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 11/3/2016.
☐ 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) 1-20 is/are pending in the application.
5a) Of the above claim(s) ____ is/are withdrawn from consideration.

6) ☐ Claim(s) ____ is/are allowed.

7) ☒ Claim(s) 1-15 and 20 is/are rejected.

8) ☒ Claim(s) 16-19 is/are objected to.

9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

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

11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

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

Certified copies:

a) ☐ All b) ☐ Some** c) ☐ None of the:

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

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

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

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

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date ____.

3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.

4) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. 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.

2. Claims 1, 5-9 and 20 are rejected under 35 U.S.C. 103 as being unpatentable over Chen, U.S. Patent Application Publication No. 2016/0029114 (hereinafter Chen) in further view of Sakai et al, U.S. Patent No. 2015/0230019 (hereinafter Sakai).

Regarding claim 1, Chen discloses a wireless earbud system, comprising:

a first earbud assembly (see unit 32 from Figure 3) and a second earbud assembly (see unit 31 from Figure 3), each of the first earbud assembly and the second earbud assembly comprising:

a housing;

an audio driver disposed within the housing; and

a wireless receiving unit operatively coupled to the audio driver, the wireless receiving unit configured to receive a wireless data signal and drive the audio driver based on audio data transmitted in the wireless data signal.

Still on the issue of claim 1, Chen does not disclose a tether with a first end and a second end, wherein the first end of the tether is configured to removably couple to the first earbud assembly by a first detachable connector, and wherein the second end of the tether is configured to removably couple to the second earbud assembly by a second detachable connector. All the same, Sakai discloses a tether (see unit 116 from Figure 4) with a first end and a second end, wherein the first end of the tether is configured to removably couple to the first earbud assembly by a first detachable connector, and wherein the second end of the tether is configured to removably couple to the second earbud assembly by a second detachable connector. Therefore, it would have been obvious to one of ordinary skill in the art to modify Chen with the tether of Sakai. This modification would have improved the system's flexibility by allowing the system to be used as a necklace.

Regarding claim 5, Chen as modified by Sakai discloses the claimed feature.

Regarding claim 6, Chen as modified by Sakai discloses the claimed feature.

Regarding claim 7, Chen as modified by Sakai discloses the claimed feature.

Regarding claim 8, see Figure 3 of Chen.

Regarding claim 9, Chen as modified by Sakai discloses the claimed feature.

Regarding claim 20, Chen discloses a method of forming a wireless earbud system, the method comprising:

forming first (see unit 32 from Figure 3) and second (see unit 31 from Figure 3) wireless earbud assemblies;

configuring one or both of the first and second wireless earbud assemblies to receive a wireless signal from a media device (see unit 20 from Figure 3) and to drive audio drivers in the first and second wireless earbud assemblies with an audio signal based on data received from the media device.

Still on the issue of claim 20, Chen does not teach:
forming an electronic control unit comprising a wireless,
unit, a battery and a tether;
configuring first and second ends of the tether to
removably couple to the first and second wireless earbud
assemblies;
configuring the wireless unit of the electronic unit to
receive a wireless signal from the media device and to drive the
audio drivers in the first and second wireless earbud assemblies
through electrical conductors disposed within the tether with an
audio signal based on data received wirelessly from the media
device when the first and second ends of the tether are
respectively coupled to the first and second earbud assemblies.

All the same, Sakai discloses:
forming an electronic control unit comprising a wireless
unit (from paragraph 0030, see wireless antenna), a battery and
a tether (see unit 116 from Figure 4);
configuring first and second ends of the tether to
removably couple to the first and second wireless earbud
assemblies;

configuring the wireless unit of the electronic unit to receive a wireless signal from the media device (see unit 120 from Figure 1) and to drive the audio drivers in the first and second wireless earbud assemblies through electrical conductors disposed within the tether with an audio signal based on data received wirelessly from the media device when the first and second ends of the tether are respectively coupled to the first and second earbud assemblies.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Chen with the tether of Sakai.¹ This modification would have improved the system's flexibility by allowing the system to be used as a necklace.

3. Claims 2-4 and 10-14 are rejected under 35 U.S.C. 103 as being unpatentable over Chen combined with Sakai in further view of Sim et al, U.S. Patent Application Publication No. 2012/0027215 (hereinafter Sim).

Regarding claim 2, the combination of Chen and Sakai does not teach a control unit in the tether, and wherein each of the first detachable connector and the second detachable connector

¹ The combination of Chen and Sakai shows that driving the audio drivers in the first and second wireless earbud assemblies with an audio signal based on data received from the media device (see Figure 3 of Chen) when the first and second ends of the tether are decoupled from the first and second wireless earbud assemblies (see Figure 4).

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comprise electrical contacts operatively coupling the control unit in the tether respectively with the first earbud assembly and the second earbud assembly. All the same, Sim discloses a control unit in the tether, and wherein each of the first detachable connector and the second detachable connector comprise electrical contacts operatively coupling the control unit in the tether respectively with the first earbud assembly and the second earbud assembly (see Figure 5). Therefore, it would have been obvious to one of ordinary skill in the art to further modify the combination of Chen and Sakai with the control unit of Sim. This modification would have improved the system's flexibility by providing for different types of control units.

Regarding claim 3, the combination of Chen and Sakai as modified by Sim discloses the claimed features.

Regarding claim 4, the combination of Chen and Sakai as modified by Sim discloses the claimed features.

Regarding claim 10, Chen discloses a wireless earbud system, comprising:

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a first earbud assembly (see unit 32 from Figure 3) and a second earbud assembly (see unit 31 from Figure 3), each of the first earbud assembly and the second earbud assembly comprising:

an audio driver;

a wireless receiving unit operatively to the audio driver, the wireless receiving unit configured to receive a wireless data signal; and

an earbud battery configured to supply power to one or both of the audio driver and the wireless receiving unit.

Still on the issue of claim 10, Chen does not teach a tether comprising:

a first end with a first detachable connector configured to mechanically and electrically couple the first end of the tether to the first earbud assembly,

a second end with a second detachable connector configured to mechanically and electrically couple the second end of the tether to the second earbud assembly; and

an electronic control unit, the electronic control unit comprising:

a wireless unit configured to receive a wireless data signal from a media device and to transmit an audio signal based on the wireless data signal through electrical conductors in the

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tether to the first and second earbud assemblies when the first and second earbud assemblies are coupled to the first and second ends of the tether respectively; and

an electronic control unit battery configured to supply power to the wireless unit.

All the same Sakai discloses a tether (see unit 116 from Figure 4) comprising:

a first end with a first detachable connector configured to mechanically and electrically couple the first end of the tether to the first earbud assembly,

a second end with a second detachable connector configured to mechanically and electrically couple the second end of the tether to the second earbud assembly; and

an electronic control unit, the electronic control unit comprising:

a wireless unit (from paragraph 0030, see wireless antenna) configured to receive a wireless data signal from a media device (see unit 120 from Figure 1) and to transmit an audio signal based on the wireless data signal through electrical conductors in the tether to the first and second earbud assemblies when the first and second earbud assemblies are coupled to the first and second ends of the tether respectively; and

an electronic control unit battery configured to supply power to the wireless unit.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Chen with the tether of Sakai. This modification would have improved the system's flexibility by allowing the system to be used as a necklace.

Still on the issue of claim 10, the combination of Chen and Sakai does not teach that the electronic control unit is disposed intermediate the first end of the tether and the second end of the tether. All the same, Sim discloses that the electronic control unit is disposed intermediate the first end of the tether and the second end of the tether (see Figure 5). Therefore, it would have been obvious to one of ordinary skill in the art to further modify the combination of Chen and Sakai with the electronic control unit of Sim. This modification would have improved the system's flexibility by providing for different electronic control units.

Regarding claim 11, Chen as modified by Sakai discloses the claimed feature.

Regarding claim 12, Chen as modified by Sakai discloses the claimed feature.

Regarding claim 13, Chen as modified by Sakai discloses the claimed feature.

Regarding claim 14, Chen as modified by Sakai discloses the claimed feature.

4. Claim 15 is rejected under 35 U.S.C. 103 as being unpatentable over Chen combined with Sakai and Sim in further view of Chandramohan et al, U.S. Patent Application Publication No. 2017/0094399 (hereinafter Chandramohan).

Regarding claim 15, the combination of base references does not teach that the electronic control unit comprises a housing configured to store the first earbud assembly and the second earbud assembly. All the same, Chandramohan discloses that the electronic control unit comprises a housing configured to store the first earbud assembly and the second earbud assembly (see abstract). Therefore, it would have been obvious to one of ordinary skill in the art to further modify the combination of base references wherein the electronic control unit comprises a housing configured to store the first earbud assembly and the

second earbud assembly as taught by Chandramohan. This modification would have improved the system's convenience by preventing loss when not in use.

Allowable Subject Matter

5. Claims 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Davetta Goins can be reached on 571-272-2957. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Olisa Anwah
Patent Examiner
June 9, 2017

/Olisa Anwah/
Primary Examiner, Art Unit 2655

Notice of References Cited	Application/Control No. 15/342,841	Applicant(s)/Patent Under Reexamination MILAM ET AL.	
	Examiner OLISA ANWAH	Art Unit 2655	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-2016/0029114 A1	01-2016	CHEN; YUNG-LIN	H04R1/1041	381/74
*	B	US-2015/0230019 A1	08-2015	Sakai; Ryutaro	H04R1/1041	381/74
*	C	US-2016/0073188 A1	03-2016	Linden; Olle	H04R1/1025	381/309
*	D	US-2014/0219467 A1	08-2014	KURTZ; Adam M.	H04R3/12	381/74
*	E	US-8,515,115 B2	08-2013	Kelly; Peter M.	H04R1/1016	381/370
*	F	US-2010/0000054 A1	01-2010	ROSER; MICHAEL G.	H04R1/1091	24/3.12
*	G	US-9,532,126 B1	12-2016	Kelly; Peter M.	H04R1/1016	1/1
*	H	US-2017/0064427 A1	03-2017	Rich; Zachary C.	H04R1/1016	1/1
*	I	US-2017/0134845 A1	05-2017	Milam; James	H04R1/1041	1/1
*	J	US-2012/0027215 A1	02-2012	Sim; Wong Hoo	H04R1/1041	381/55
*	K	US-2016/0182991 A1	06-2016	Zakzeski; Joseph John	H04R1/1091	381/381
*	L	US-2017/0094399 A1	03-2017	Chandramohan; Chandrahas ~~Arasagadam~~	A45C13/02	1/1
*	M	US-9,210,498 B1	12-2015	Shaffer; Jonathan Everett	H04R1/1016	1/1

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

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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	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.