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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	
Filing Date	
First Named Inventor	KARABINIS ET AL.
Art Unit	
Examiner Name	
Attorney Docket Number	8382-3

U.S.PATENTS

Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	6769607	B1	2004-08-03	PITRODA ET AL.	
	2	7028897	B2	2006-04-18	FERNANDES ET AL.	
	3	7133659	B2	2006-11-07	ZALEWSKI ET AL.	
	4	7155199	B2	2006-12-26	ZALEWSKI ET AL.	
	5	RE39736	E	2007-04-17	MORRILL, JR.	

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IPR2025-01239
Apple EX1044 Page 1

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☐ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

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

Signature	/PABLO MELES/	Date (YYYY-MM-DD)	2008-11-04
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MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION

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Field of the Invention

[0001] This invention relates to systems, devices and/or methods that may be used to provide an adaptive enablement of one or more communications modes based upon having satisfied a proximity criterion. The one or more communications modes may be one or more wireless and/or non-wireless communications modes.

Background of the Invention

[0002] Adaptivity and mobility aspects of wireless communications are becoming more important in people's lives. People are relying more and more on mobile wireless devices to perform an ever-increasing suite of functions such as, for example, navigation, e-mail, web surfing, streaming video, etc. However, there is a rigidity aspect that is associated with wireless mobile devices in that a wireless mobile device is typically configured to be capable of performing a predetermined number of functions independent of its location, Time-of-Day (ToD), velocity, acceleration, temperature, sensing of a signal, etc. It would, for example, be desirable to have a mobile wireless device act as a "wallet" (over and above other functions) only when it is time to pay for an item and not act as a wallet when there is no need to do so.

[0003] The present invention, addresses these limitations (i.e., the rigidity) of current wireless mobile devices. Accordingly, embodiments of the present invention provide systems, devices and/or methods that may be used to enable adaptively one or more modes/functions of a device based upon having satisfied by the device (or another device) a proximity condition/criterion.

IPR2025-01239
Apple EX1044 Page 5

[0004] As used herein, the term "end-user device," "wireless mobile device," "mobile wireless device" or simply "device" includes any electronic device that may be used to transmit/receive information wirelessly and/or non-wirelessly such as, for example, a Digital Subscriber Line (DSL) modem/transceiver; a cable modem/transceiver; a cellular and/or satellite radiotelephone with or without a multi-line display; Personal Communications System (PCS) terminals that may combine a radiotelephone with data processing, facsimile and/or data communications capabilities; Personal Digital Assistants (PDA) that can include a radio frequency transceiver and/or a pager, Internet/Intranet access, Web browser, organizer, calendar and/or a global positioning system (GPS) receiver; laptop and/or palmtop computers or other appliances, which may (or may not) include a radio frequency transceiver.

[0005] An end-user device also may be referred to herein as a radiotelephone, radioterminal, mobile terminal, user device, wireless device, device and/or terminal; etc. As used herein, the term end-user device and/or any of its synonyms also include(s) any other radiating device/equipment/source that may have time-varying or fixed geographic coordinates and/or may be portable, transportable, installed in a vehicle (aeronautical, maritime, or land-based) and/or situated and/or configured to operate locally and/or in a distributed fashion over one or more terrestrial and/or extra-terrestrial location(s).

Brief Description of the Drawings

[0006] FIG. 1 depicts a communication system that detects a proximity criterion in accordance with the claimed embodiments;

[0007] FIG. 2 depicts another communication system that detects a proximity criterion in accordance with the claimed embodiments;

[0008] FIG. 3 is a flow chart illustrating a method of detecting proximity criterion and enabling functions or modes on devices in accordance with the claimed embodiments.

IPR2025-01239
Apple EX1044 Page 6

Detailed Description

[0009] The present invention now will be described more fully hereinafter with reference to specific embodiments and/or the accompanying drawing(s), in which embodiments of the invention are shown. This invention may, however, be embodied in many different forms and should not be construed as limited to the embodiments set forth herein. Rather, these embodiments are provided so that this disclosure will be thorough and complete, and will fully convey the scope of the invention to those skilled in the art.

[00010] It will be understood that when an element is referred to as being "connected," "coupled" and/or "responsive" to another element, it can be directly connected, coupled and/or responsive to the other element or intervening elements may be present. Furthermore, "connected," "coupled" and/or "responsive" as used herein may include wirelessly connected, coupled and/or responsive. The terminology used herein is for the purpose of describing particular embodiments only and is not intended to be limiting of the invention. As used herein, the singular forms "a," "an" and/or "the" are intended to include the plural forms as well, unless expressly stated otherwise. It will be further understood that the terms "includes," "comprises," "including" and/or "comprising," when used in this specification, specify the presence of stated features, integers, steps, operations, elements, and/or components, but do not preclude the presence and/or addition of one or more other features, integers, steps, operations, elements, components, and/or groups thereof.

[00011] Unless otherwise defined, all terms (including technical and scientific terms) used herein have the same meaning as commonly understood by one of ordinary skill in the art to which this invention belongs. It will be further understood that terms, such as those defined in commonly used dictionaries, should be interpreted as having a meaning that is consistent with their meaning in the context of the relevant art and the present disclosure, and will not be interpreted in an idealized or overly formal sense unless expressly so defined herein.

[00012] Furthermore, it will be understood that although terms such as, for example, first and second may be used herein to describe various elements, these elements should not be limited by these terms. These terms are only used to

IPR2025-01239
Apple EX1044 Page 7

distinguish one element from another element. Thus, a first element below could be termed a second element, and similarly, a second element may be termed a first element without departing from the teachings of the present invention. As used herein, the term "and/or" includes any and all combinations of one or more of the associated listed items. The symbol "/" is also used as a shorthand notation for "and/or."

[00013] A mobile device such as, for example, a wireless communications device (e.g., a wireless terminal, a wireless/mobile phone, a Personal Digital Assistant (PDA), a smart phone, a multi-media device including Global Positioning System (GPS) capability, etc.) and/or one or more systems that is/are providing service to the mobile device and/or to a device other than the mobile device, may be configured to enable one or more modes/functions of the mobile device and/or of the device other than the mobile device, responsive to a proximity criterion having been satisfied.

[00014] In some embodiments, determining whether the proximity criterion is satisfied comprises determining by the mobile device and/or by the one or more systems of a location associated with the mobile device. In other embodiments, determining whether the proximity criterion is satisfied comprises determining by the device other than the mobile device and/or by the one or more systems of a location that is associated with the device other than the mobile device. The determining by the mobile device, by the device other than the mobile device and/or by the one or more systems may, in some embodiments, comprise reception and/or processing of GPS signals in order to determine a Time-of-Day (ToD), Time-of-Month (ToM), Time-of-Year (ToY), velocity, acceleration and/or position (in three-dimensional space). In other embodiments, the determining may be based upon the mobile device and/or the device other than the mobile device detecting a signal that is being radiated by a device that is attached to and/or is installed in/on an entity (i.e., a device that is associated with the entity). In still further embodiments, the device other than the mobile device may send a message to the mobile device requesting enablement of one or more modes/functions of the mobile device and/or of the device other than the mobile device and, responsive to an affirmative response by the mobile device, the mobile device and/or the device other than the mobile device may enable the one or

IPR2025-01239
Apple EX1044 Page 8

more modes/functions of the mobile device and/or of the device other than the mobile device.

[00015] The entity may, for example, be a person, an animal, a vehicle (ground-based, maritime and/or aeronautical), a building (residential, commercial and/or office), a product that is for sale, a store that sells one or more products, a check-out counter in a store, a shopping cart that may be used by a customer to carry one or more products selected by the customer for purchase, one or more locations in time and/or space, a geographic area and/or a multi-dimensional region in time and/or space.

[00016] The signal that is being radiated by the device that is attached to and/or is installed in the entity may include an element that may be *a priori* known by the mobile device and/or by the device other than the mobile device. As such, according to some embodiments, the mobile device and/or the device other than the mobile device may, when proximate to the entity, receive the signal that is being radiated by the device that is attached to and/or is installed in the entity, detect the element that may be *a priori* known by the mobile device and/or by the device other than the mobile device and thus determine that the mobile device and/or the device other than the mobile device is proximate to the entity.

[00017] It will be understood that the signal that is being radiated by the device that is attached to and/or is installed in the entity may be radiated at a relatively low power level so that it may be detected by the mobile device and/or by the device other than the mobile device only over a relatively small distance between, for example, the mobile device and the device that is attached to and/or is installed in the entity (e.g., over a distance that is, for example, less than 100 meters, in some embodiments or less than 10 meters, in other embodiments). It will also be understood that the element that may be *a priori* known by the mobile device and/or by the device other than the mobile device may comprise an identity associated with the entity. In some embodiments, the identity may comprise a number, a word/name, a location, a Time-of-Day (ToD), a unique code, a region of space and/or time, etc.

[00018] According to some embodiments, the mobile device and/or the device other than the mobile device may be configured so that a user of the mobile device

IPR2025-01239
Apple EX1044 Page 9

and/or a user of the device other than the mobile device, a service provider providing service to the mobile device and/or providing service to the device other than the mobile device and/or a manufacturer of the mobile device and/or the device other than the mobile device may program the mobile device and/or the device other than the mobile device to recognize the element and/or the identity associated with the entity.

[00019] A number of examples/applications of the concepts disclosed above will now be described to further illustrate the scope and spirit of the present invention to those skilled in the art.

[00020] **Example/Application No. 1:** A motor vehicle, such as, for example, a car, may be configured with a low-power radiator that radiates a signal that includes an identity of the motor vehicle, a velocity of the motor vehicle, an acceleration of the motor vehicle, a position of the motor vehicle, a Time-of-Day (ToD), a Time-of-Month (ToM), a Time-of-Year (ToY) and/or an indication of a content of the motor vehicle. Now imagine a person who is associated with the motor vehicle (e.g., an owner/driver of the motor vehicle) is approaching the motor vehicle. Let us assume that the person who is approaching the motor vehicle and is associated with the motor vehicle carries a wireless communications device. The wireless communications device may be configured to sense the signal that is being radiated by the low-power radiator, detect the identity of the motor vehicle and compare the detected identity with one or more *a priori* identities that are stored in the wireless communications device. If a match is found, the communications device may be configured to selectively enable, responsive to the match, for example, a "pay toll" function. Accordingly, as the motor vehicle approaches an access point that is configured to radiate a signal associated with toll collection, the communications device, responsive to having detected the signal associated with toll collection, may be configured to transmit information that may be used by the access point and/or by an associated toll collection system that may be connected to the access point to debit an account that is associated with a user and/or owner of the communications device. In further embodiments of the present invention, if the match is found, the communications device may be configured to selectively enable, responsive to the match and

IPR2025-01239
Apple EX1044 Page 10

responsive to a velocity of the motor vehicle, an acceleration of the motor vehicle, a position of the motor vehicle, a Time-of-Day (ToD), a Time-of-Month (ToM), a Time-of-Year (ToY) and/or a content of the motor vehicle, for example, the "pay toll" function. It will be understood that the velocity of the motor vehicle, the acceleration of the motor vehicle, the position of the motor vehicle, the ToD, the ToM and/or the ToY may be provided by the communications device (based on GPS signal processing, and/or based on any other means, that may be performed/implemented by the communications device and/or by a network that may be providing service to the communications device) and/or by the motor vehicle.

[00021] The wireless communications device may be configured to keep the pay toll function enabled for as long as the wireless communications device is able to sense the signal that is being radiated by the low-power radiator (i.e., the signal that includes an identity of the motor vehicle) and to selectively disable the pay toll function a short time after the wireless communications device is no longer able to sense the signal that is being radiated by the low-power radiator. In further embodiments, the wireless communications device may be configured to keep the pay toll function enabled as long as the wireless communications device is able to sense the signal that is being radiated by the low-power radiator and a specific value (or values) associated with at least one of a velocity of the motor vehicle, an acceleration of the motor vehicle, a position of the motor vehicle, a ToD, a ToM, a ToY and a content of the motor vehicle is/are being met/satisfied.

[00022] In accordance with some embodiments, even though the wireless communications device does not find a match but is able to sense the signal that is being radiated by the low-power radiator, the wireless communications device may be configured to provide a notification (e.g., a sound, a vibration, a light and/or an alpha-numeric display, etc.). Responsive to the notification, a user of the wireless communications device may instruct (for example, manually or via voice command) the wireless communications device to enable the pay toll function.

[00023] In further embodiments, a second wireless communications device that belongs to and/or is being used by a second person, senses a signal and, responsive to having sensed the signal (whether a match is found or not) sends a request selectively

IPR2025-01239
Apple EX1044 Page 11

to a first wireless communications device. Responsive to the request, the first wireless communications device sends an acknowledgement and/or an authorization to the second wireless communications device. Responsive to the acknowledgement and/or authorization the second wireless communications device selectively enables a mode which, according to some embodiments, is the pay toll function. It will be understood that the first and second wireless communications devices may, according to some embodiments, be predetermined to function as described above. That is, the first wireless communications device acting as a "master" and the second wireless communications device acting as a "slave" in that the second wireless communications device is configured to enable a mode/function thereof responsive to a detection/match and responsive to receiving an authorization from the first wireless communications device. If the mode/function comprises paying for a transaction, an amount of money associated with the paying may be deducted/withdrawn from an account associated with an owner/user of the first wireless communications device.

[00024] Thus, according to some embodiments, the first wireless communications device functions independently and/or autonomously whereas the second wireless communications device functions dependently on the first wireless communications device, at least as far as at least one of its modes/functions is concerned. The master-slave relationship between the first and second wireless communications devices may, according to some embodiments, be predetermined. In other embodiments, the master-slave relationship may not be predetermined and may be negotiated and/or established, as a need for such a relationship arises, by exchanging information between the first and second wireless communications devices. It will be understood that, in some embodiments, at least one of the first and second wireless communications devices may not be a wireless communications device.

[00025] **Example/Application No. 2:** A wireless communications device may be configured to estimate a location associated therewith and may also be configured to estimate a value of at least one other parameter that may be associated with the wireless communications device, an environment thereof and/or an entity (living or otherwise) that is associated with and/or is proximate to the wireless communications device. The "at least one other parameter" may, for example, be a velocity,

acceleration, ToD, ToM, ToY, humidity, temperature, height, level of brightness, level of darkness, a blood pressure, a heart rate, a blood content, a physiological state, a psychological state, etc. As those skilled in the art will appreciate, the wireless communications device may be configured to estimate its location and the value of the "at least one other parameter" by, for example, processing GPS signals and/or by using other means and/or sensors that may, according to some embodiments, be device-based and/or network assisted/based means and/or sensors.

[00026] According to some embodiments, the wireless communications device may be configured to make a comparison between an estimate of its location and one or more other locations, that may be one or more other predetermined and/or pre-stored locations, and the wireless communications device may be configured to selectively enable a first communications mode/function responsive to an outcome of the comparison and/or to selectively disable a second communications mode/function responsive to the outcome of the comparison. In other embodiments, the wireless communications device may be configured to selectively enable the first communications mode/function responsive to the outcome of the comparison and/or responsive to a value of another parameter, such as, for example, a value associated with the "at least one other parameter" list and/or selectively disable the second communications mode/function responsive to the outcome of the comparison and/or responsive to a value of another parameter, such as, for example, a value associated with the "at least one other parameter" list.

[00027] For example, in some embodiments, if a comparison between an estimate of location of the wireless communications device and the one or more locations that are predetermined and/or pre-stored reveals a distance therebetween that is less than or equal to a threshold, the wireless communications device may be configured to selectively and/or preferentially enable a first communications mode, that may be one communications mode of a plurality of communications modes, that uses, for example, a first air interface protocol and a first set of frequencies to communicate information wirelessly (wherein the first set of frequencies may be a predetermined first set of frequencies), while refraining from using (and/or using only infrequently and/or as a last resort depending on an emergency, need and/or a priority) a second

IPR2025-01239
Apple EX1044 Page 13

communications mode, of the plurality of communications modes, comprising a second set of frequencies and/or a second air interface protocol. In some embodiments, refraining from using (and/or using only infrequently and/or as a last resort depending on an emergency, need and/or a priority) a second communications mode comprises selectively and/or preferentially disabling the second communications mode that uses, for example, the second air interface protocol and/or the second set of frequencies. It will be understood that, according to some embodiments, the first and/or second air interface protocols may be predetermined and that the first and/or second set of frequencies may also be predetermined. In further embodiments, at least one of the first air interface protocol, the second air interface protocol, the first set of frequencies and the second set of frequencies may not be predetermined and may be determined as required responsive to receiving a message, sensing/detecting at least a portion of an electro-magnet spectrum and/or via other means such as, for example, a user choice/preference/command.

[00028] In some embodiments, the first communications mode may comprise an air interface protocol, such as, for example, an Orthogonal Frequency Division Multiplexed and/or an Orthogonal Frequency Division Multiple Access (OFDM/OFDMA) protocol, a WiFi- and/or WiMAX-based air interface protocol that may be based upon Time Division Duplex (TDD) operation wherein a common set of frequencies are used bi-directionally (at different times) to provide uplink and downlink communications, and the first and/or second set of frequencies may comprise, for example, an un-licensed use and/or a licensed use set of frequencies.

[00029] In further embodiments, the wireless communications device may further be configured to selectively enable (or to prefer) a first communications mode and/or to selectively refrain from using (or avoid from using unless a level of priority and/or other reason is provided) a second communications mode, responsive to the comparison of position that was discussed earlier and/or responsive to a value of a quantity/parameter, such as, for example, a value associated with the "at least one other parameter" and/or responsive to an event (man-caused or natural). The first communications mode may comprise a first air interface protocol and a first set of frequencies for transmission/reception of information and the second communications

IPR2025-01239
Apple EX1044 Page 14

mode may comprise a second air interface protocol, that may be different from the first air interface protocol, and/or a second set of frequencies for transmission and/or reception of information that may be different (or at least partially different) from the first set of frequencies.

[00030] The wireless communications device may be configured to repeatedly make a decision based on the comparison of position that was discussed earlier, based on the value of a quantity/parameter, such as, for example, a value associated with the "at least one other parameter" and/or based on the event (man-caused and/or natural), to maintain the first communications mode enabled and/or to maintain the second communications mode disabled for as long as the comparison of position, the value of the quantity/parameter and/or the event (man-caused and/or natural) continues to satisfy a threshold criterion and to disable the first communications mode and/or enable the second communications mode after the wireless communications device determines that the comparison of position, the value of the quantity/parameter and/or the event no longer satisfies the threshold criterion.

[00031] In further embodiments, responsive to the comparison of position, the value of the quantity/parameter and/or the event satisfying the threshold criterion, the wireless communications device may be configured to send information (automatically or upon user command) selectively to one or more other devices that, according to some embodiments, may be predetermined other devices. In still other embodiments, responsive to the comparison of position, the value of the quantity/parameter and/or the event satisfying the threshold criterion, the wireless communications device may be configured to receive information (automatically or upon user command) selectively from one or more other devices that, according to some embodiments, may be predetermined other devices.

[00032] **Example/Application No. 3:** A shopping cart, for example, of the type used in a grocery and/or super-market store, may be configured to sense/detect one or more items that are placed in the shopping cart. As used herein, the term "configured to sense/detect" may, in some embodiments, comprise sensing/detecting, for example, a weight, a manufacturer, an expiration date, a price and/or a nutritional value, etc. associated with the one or more items, wherein the sensing/detecting may be

IPR2025-01239
Apple EX1044 Page 15

performed based upon any technology, such as, for example, a Radio Frequency (RF) tagging technology, a bar-code technology, an image recognition technology and/or any other technology.

[00033] Each shopping cart may include an identity (e.g., a number). Mr. Jones (a customer), who chooses a shopping cart having as identity a number such as, for example, "8787," may insert the number 8787 into a wireless communications device that Mr. Jones is carrying/using. Upon inserting the number 8787 into the wireless communications device, the wireless communications device may be configured to selectively establish a communications link, that may, in some embodiments, be a short-range communications link, with the shopping cart having identity 8787. From that time on, as the shopping cart senses/detects the one or more items that are placed in the shopping cart, information associated with the sensing/detecting of the one or more items, including price information associated with the one or more items, is transferred to Mr. Jones' wireless communications device via the communications link that is selectively established between Mr. Jones' wireless communications device and shopping cart 8787.

[00034] In the event that Mr. Jones decides to put back on a shelf an item that has been placed in shopping cart 8787, that item is sensed/detected by the shopping cart as having been withdrawn/deleted from the shopping cart and at least some information associated therewith is withdrawn/deleted, or at least changed, from Mr. Jones' wireless communications device via one or more commands/messages sent to the wireless communications device by the shopping cart, via the communications link.

[00035] When Mr. Jones has finished shopping, Mr. Jones can examine the wireless communications device and may instruct the wireless communications device to perform a transaction, such as, for example, to pay for the one or more items that Mr. Jones has placed in shopping cart 8787. In some embodiments, the shopping cart including the one or more items and the wireless communications device may need to be proximate to a specific location within the grocery and/or super market store (e.g., proximate to a "check-out" counter/location) before the wireless communications device and/or shopping cart (individually and/or jointly in

IPR2025-01239
Apple EX1044 Page 16

communication therebetween) may enable a "pay" function by detecting a (short-range) signal that may be transmitted by/from the specific location.

[00036] **Other Embodiments:** Figures 1 and 2 illustrate further embodiments of the present invention. Additional embodiments may comprise systems and/or methods. For example, in one embodiment as illustrated in FIG. 1, a method in a system 10 is provided comprising: detecting that a proximity criterion is satisfied between a first device 14, such as a mobile subscriber device, and Entity 1; and enabling a mode of the first device and/or a mode of a second device 15 responsive to the detecting; where, according to some embodiments, the second device 15 is not the Entity 1 and is not associated with the Entity 1 and wherein the Entity 1 is not involved in providing a communications service to the first and/or second device. In one particular embodiment, a mobile subscriber device 14 linked to a communications system 18 via base station 12 can enable a function when the device 14 comes within a proximity of Entity 1. The function enabled can be any number of functions at the mobile subscriber device 14 or even at the mobile subscriber device 15. The mobile subscriber device 15 can also be linked to the communications system 18 via a base station 13. The function enabled can be a financial transaction, the transmission of communications, such as data, and/or some other function that may provision the mobile subscriber device 14 and/or the mobile subscriber device 15 with additional functionality not previously available/activated at the respective devices.

[00037] In one embodiment, the detection by mobile subscriber device 14 of a proximity criterion relative to Entity 1 can enable the mobile subscriber device 14 to authorize and complete a financial transaction such as the payment of a toll and/or of an item at a check out line. The same detection by mobile subscriber device 14 of the proximity criterion relative to Entity 1 can also or alternatively enable the mobile subscriber device 15 to authorize and complete a financial transaction such as the payment of a toll and/or a payment for an item at a check out line. The enablement of the mobile subscriber device 15 may also be contingent on the mobile subscriber device 15 having satisfied a proximity criterion relative to a second entity, such as Entity 2. Thus, the proximity criterion can include various requirements depending

IPR2025-01239
Apple EX1044 Page 17

on the particular application. The requirements may include at least one of having the device 14 being within a predetermined distance of Entity 1, the device 14 receiving a predetermined signal strength from Entity 1, being at such predetermined distance for a predetermined time interval and receiving a predetermined signal strength during the predetermined time interval. The requirements can also include having device 15 being within a predetermined distance and/or predetermined signal strength of Entity 2, and/or being within such predetermined distance and/or signal strength during a predetermined time interval. It will be understood that at least one of devices 16 and 17, shown in FIG. 1 as being attached to Entity 1 and Entity 2, respectively, may, according to some embodiments, comprise a wireless transmitter and/or receiver.

[00038] According to some embodiments, the detecting may be performed by the first device (i.e., radioterminal 14), by the second device (i.e., radioterminal 15), by a device that is associated with an entity (i.e., device 16 and/or device 17) and/or by a system that is associated with the first and/or second devices (i.e., system 18, base station 12 and/or base station 13). Also, in some embodiments, the enabling may be performed by the first device, by the second device, by a device that is associated with the entity and/or by a system that is associated with the first and/or second devices.

[00039] In some embodiments, the first device comprises a wireless communications device, the second device comprises a wireless communications device and/or the system that is associated with the first and/or second devices comprises a wireless communications system that is configured to provide a communications service to the first and/or second devices.

[00040] In further embodiments, detecting comprises: using position information associated with the first device; using position information associated with the second device; detecting a signal (and/or a signal strength measurement such as RSSI) that is being radiated by the first device; detecting a signal (and/or a signal strength) that is being radiated by the second device; and/or detecting a signal (and/or a signal strength) that is being radiated by a device that is associated with the entity, wherein using position information may, according to some embodiments, comprise: evaluating a distance between the position information and one or more position

IPR2025-01239
Apple EX1044 Page 18

values; and determining whether the distance is less than or equal to a threshold. In some embodiments, the one or more position values is/are predetermined.

[00041] In further embodiments, responsive to the enabling, the method comprises performing a function; wherein the function, according to some embodiments, comprises a financial transaction, receiving data and/or transmitting data. In some embodiments, receiving data comprises receiving data selectively from a first unit and wherein transmitting data comprises transmitting data selectively to a second unit. In some embodiments, the first and second units are the same unit, whereas in other embodiments the first and second units are different units. In further embodiments, the first and/or second units may be predetermined units and the first unit may comprise a wireless communications device and/or the second unit may comprise a wireless communications device. In yet further embodiments, the first unit may be associated with an Internet Protocol (IP) address and/or the second unit may be associated with an IP address.

[00042] Referring to FIG. 2, the first device 14 can traverse a path 23 within an overall coverage area 20 and the second device 15 can traverse a path 25 within the overall coverage area 20. The overall coverage area 20 can include areas 22 and 24 that can be associated with respective entities. The entry of the first device 14 within area 22 can selectively enable a mode and/or a function at device 14 and can optionally enable a mode and/or a function at device 15 based, according to some embodiments, on a proximity criterion to area 24. For example, if device 14 owned and/or operated by a user is at a first store within area 22 and the device 15 owned/operated by, for example, the user's spouse is at a second store within area 24, then the user's spouse at device 15 can complete a purchase within area 24 based on the user's presence with device 14 within area 22. Similarly, if the two users at devices 14 and 15 at respective areas 22 and 24 want to sample music, games and/or even play a game between each other, their respective device can be provisioned for such sampling as long as they stay within the proximity criteria set for each of the respective devices. Once one or the other device goes beyond the respective proximity criterion, the mode and/or function enabling the sampling will be disabled at one or both devices.

IPR2025-01239
Apple EX1044 Page 19

[00043] In some embodiments according to the present invention, receiving data comprises receiving a position, a request and/or an acknowledgement and wherein transmitting data comprises transmitting a position, an authorization and/or an acknowledgement.

[00044] In further embodiments according to the present invention, the financial transaction comprises providing payment associated with a toll and/or providing payment associated with a purchase of one or more items.

[00045] In accordance with additional embodiments of the present invention, receiving data comprises receiving data once or repeatedly and transmitting data comprises transmitting data once or repeatedly.

[00046] It will be understood that relative to any one of the plurality of methods described above, the term "entity" may comprise a person, an animal, a building, a motor vehicle, a shopping cart, a product, a check-out counter, a geographic position, a geographic area and/or one or more locations in time and/or space.

[00047] In a further embodiment according to the present invention, a system is provided comprising: a detector that is configured to enable a mode of a first device and/or to enable a mode of a second device responsive to a detection that a proximity criterion is satisfied between the first device and an entity; wherein, according to some embodiments, the second device is not the entity and is not associated with the entity, and wherein, according to further embodiments, the entity is not involved in providing a communications service to the first and/or second device. In some embodiments, the detector is included in, and the detection is performed by, the first device, the second device, a device that is associated with the entity and/or a system that is associated with the first and/or second devices. Similarly, according to some embodiments, the detector is included in, and the mode is enabled by, the first device, the second device, a device that is associated with the entity and/or a system that is associated with the first and/or second devices.

[00048] Referring to FIG. 3, a flow chart illustrating a method 30 in accordance with an embodiment herein includes detecting that a proximity criterion is satisfied between a first device and an entity at 32. Note, that although the steps described are in a certain order in this embodiment, embodiments contemplated within the scope of

IPR2025-01239
Apple EX1044 Page 20

the claims are not necessarily limited to a particular order or necessarily include every step described in method 30 and may further include additional steps as may be obvious to one of ordinarily skilled in the art. Method 30 can further include enabling a mode of the first device and/or a mode of a second device responsive to detecting satisfaction of the proximity criterion and while the proximity criterion is satisfied at 34, where the first device and the second device form a part of a communication system providing communications service to the first device and the second device. The second device can be independent of the entity and the entity can be independent of the communications service provided to the first and second device at shown at 36. The method at 38 can enable a mode of the first device and a mode of the second device responsive to detecting that the proximity criterion is satisfied between the first device and the entity. The first device and the second device can be mobile subscriber devices (i.e., radioterminals) and the entity can be a proximity beacon enabling a financial transaction between the first device or the second device and a vendor in communication with the first device or the second device at an access point maintained by the vendor or on behalf of the vendor. The access point can be a toll both, a point of purchase counter, or a check out counter and the first device and the second device can be cellular phones authorized selectively by its user and by satisfying the proximity criterion to proceed with a financial transaction associated with the vendor at the access point. As previously noted, although cellular phones are described, other communication devices are certainly within contemplation of the scope of the claims. The step of detecting can be done in any number of various ways. Detecting can include using position information associated with the first device relative to the entity or using position information of the second device relative to the entity or detecting a signal being radiated by the entity or detecting a signal being radiating by the first device and reflected by the entity or detecting a signal being radiating by the second device and reflected by the entity. In this regard, the method 30 can further evaluate a distance between the position information and one or more position values and determine whether the distance is less than or equal to a threshold at 39.

IPR2025-01239
Apple EX1044 Page 21

[00049] In some embodiments, the first device comprises a wireless communications device and/or the second device comprises a wireless communications device and the system that is associated with the first and/or second devices comprises a wireless communications system.

[00050] In further embodiments, the detection comprises: use of position information associated with the first device; use of position information associated with the second device; a detection of a signal that is being radiated by the first device; a detection of a signal that is being radiated by the second device; and/or a detection of a signal that is being radiated by a device that is associated with the entity. In some embodiments, use of position information comprises: an evaluation of a distance between the position information and one or more position values; and a determination of whether the distance is less than or equal to a threshold. It will be understood, that according to some embodiments of the invention, the one or more position values may be predetermined position values.

[00051] In yet additional embodiments of the present invention, the first device and/or the second device may be configured to perform a function responsive to the mode having been enabled by the detector, wherein, according to some embodiments, the function may comprise a financial transaction, reception of data and/or transmission of data. In some embodiments, reception of data comprises reception of data selectively from a first unit and transmission of data comprises transmission of data selectively to a second unit. In accordance with some embodiments, the first and second units are the same unit and in accordance with other embodiments, the first and second units are different units. It will be understood that in some embodiments the first and/or second units may be first and second predetermined units.

[00052] In yet further embodiments of the invention, the first unit may comprise a wireless communications device and/or the second unit may comprise a wireless communications device. According to additional embodiments, the first unit is associated with an Internet Protocol (IP) address and/or the second unit is associated with an IP address.

[00053] In some embodiments of the present invention, receiving data comprises receiving a position, a request and/or an acknowledgement and wherein transmitting

IPR2025-01239
Apple EX1044 Page 22

data comprises transmitting a position, an authorization and/or an acknowledgement. According to other embodiments, the financial transaction comprises a payment of a toll and/or a payment associated with a purchase of one or more items. It will be understood that, in some embodiments, the reception of data comprises reception of data once or repeatedly and that, according to some embodiments, the transmission of data comprises transmission of data once or repeatedly. It will also be understood that according with any one of the embodiments described above (or any combination thereof) the term "entity," as used therein may comprise a person, an animal, a building, a motor vehicle, a shopping cart, a product that is on sale, a check-out counter, a geographic position, a geographic area and/or one or more locations in time and/or space.

[00054] In some embodiments according to the present invention, a system may comprise the detector, the first device, the second device, the entity, the device that is associated with the entity and/or the system that is associated with the first and/or second devices.

[00055] In the specification, there have been disclosed embodiments and, although specific terms are employed, they are used in a generic and descriptive sense only and not for purposes of limitation. The following claims are provided to set forth, at least in part, the scope of the present invention.

IPR2025-01239
Apple EX1044 Page 23

Claims:

1. A method comprising:

detecting that a proximity criterion is satisfied between a first device and an entity; and

enabling a mode of the first device and/or a mode of a second device responsive to the detecting and responsive to at least one of a position, velocity and a Time-of-Day;

wherein the second device is not the entity and is not associated with the entity, and wherein the entity is not involved in providing a communications service to the first and/or second device.

2. The method according to Claim 1, wherein the detecting is performed by the first device, by the second device, by a device that is associated with the entity and/or by a system that is associated with the first and/or second devices.

3. The method according to Claim 1, wherein the enabling is performed by the first device, by the second device, by a device that is associated with the entity and/or by a system that is associated with the first and/or second devices.

4. The method according to Claim 1, wherein the first device comprises a wireless communications device and/or the second device comprises a wireless communications device.

5. The method according to Claim 2, wherein the system comprises a wireless communications system.

IPR2025-01239
Apple EX1044 Page 24

6. The method according to Claim 1, wherein detecting comprises:

using position information associated with the first device;

using position information associated with the second device;

detecting a signal that is being radiated by the first device;

detecting a signal that is being radiated by the second device; and/or

detecting a signal that is being radiated by a device that is associated with the entity.

7. The method according to Claim 6, wherein using position information comprises:

evaluating a distance between the position information and one or more position values; and

determining whether the distance is less than or equal to a threshold.

8. A method according to Claim 7, wherein the one or more position values are predetermined.

9. The method according to Claim 1, further comprising performing a function responsive to the enabling.

10. The method according to Claim 9, wherein the function comprises a financial transaction, receiving data and/or transmitting data.

11. The method according to Claim 10, wherein receiving data comprises receiving data selectively from a first unit and wherein transmitting data comprises transmitting data selectively to a second unit.

12. The method according to Claim 11, wherein the first and second units are the same unit.

IPR2025-01239
Apple EX1044 Page 25

13. The method according to Claim 11, wherein the first and second units are different units.

14. The method according to Claim 11, wherein the first and/or second units are predetermined.

15. The method according to Claim 11, wherein the first unit comprises a wireless communications device and/or the second unit comprises a wireless communications device.

16. The method according to Claim 11, wherein the first unit is associated with an Internet Protocol (IP) address and/or the second unit is associated with an IP address.

17. The method according to Claim 10, wherein receiving data comprises receiving a position, a request and/or an acknowledgement and wherein transmitting data comprises transmitting a position, an authorization and/or an acknowledgement.

18. The method according to Claim 10, wherein the financial transaction comprises providing payment associated with a toll and/or providing payment associated with a purchase of one or more items.

19. The method according to Claim 10, wherein receiving data comprises receiving data once or repeatedly and wherein transmitting data comprises transmitting data once or repeatedly.

20. The method according to Claim 1, wherein the entity comprises a person, an animal, a building, a motor vehicle, a shopping cart, a product, a check-out counter, a geographic position, a geographic area and/or one or more locations in time and/or space.

IPR2025-01239
Apple EX1044 Page 26

21. The method according to Claim 1, wherein enabling a mode comprises:

selectively enabling a first communications mode comprising a first air interface protocol that uses a first set of frequencies to transmit/receive information based upon Orthogonal Frequency Division Multiplexing (OFDM) and/or Orthogonal Frequency Division Multiple Access (OFDMA).

22. The method according to Claim 21, wherein the first air interface protocol is further based upon Time Division Duplex (TDD) operation wherein the first set of frequencies are used to transmit information over a first time interval and are also used to receive information over a second time interval.

23. The method according to Claim 21, wherein the first set of frequencies comprises licensed and/or un-licensed frequencies.

24. The method according to Claim 21, further comprising:

selectively disabling a second communications mode comprising a second air interface protocol that uses a second set of frequencies to transmit/receive information.

25. The method according to Claim 24, wherein the second air interface differs from the first air interface and/or the second set of frequencies differs, in at least one frequency, from the first set of frequencies.

26. A system comprising:

a detector that is configured to enable a mode of a first device and/or to enable a mode of a second device responsive to a detection that a proximity criterion is satisfied between the first device and an entity and responsive to at least one of a position, velocity and a Time-of-Day;

wherein the second device is not the entity and is not associated with the entity, and wherein the entity is not involved in providing a communications service to the first and/or second device.

IPR2025-01239
Apple EX1044 Page 27

27. The system according to Claim 26, wherein the detection is performed by the first device, by the second device, by a device that is associated with the entity and/or by a system that is associated with the first and/or second devices.

28. The system according to Claim 26, wherein the mode is enabled by the first device, by the second device, by a device that is associated with the entity and/or by a system that is associated with the first and/or second devices.

29. The system according to Claim 26, wherein the first device comprises a wireless communications device and/or the second device comprises a wireless communications device.

30. The system according to Claim 27, wherein the system comprises a wireless communications system.

31. The system according to Claim 28, wherein the system comprises a wireless communications system.

32. The system according to Claim 26, wherein the detection comprises:

use of position information associated with the first device;

use of position information associated with the second device;

a detection of a signal that is being radiated by the first device;

a detection of a signal that is being radiated by the second device; and/or

a detection of a signal that is being radiated by a device that is associated with the entity.

33. The system according to Claim 32, wherein use of position information comprises:

an evaluation of a distance between the position information and one or more position values; and

a determination of whether the distance is less than or equal to a threshold.

IPR2025-01239
Apple EX1044 Page 28

34. The system according to Claim 33, wherein the one or more position values are predetermined.

35. The system according to Claim 26, wherein the first device and/or the second device is/are configured to perform a function responsive to the mode having been enabled by the detector.

36. The system according to Claim 35, wherein the function comprises a financial transaction, reception of data and/or transmission of data.

37. The system according to Claim 36, wherein reception of data comprises reception of data selectively from a first unit and wherein transmission of data comprises transmission of data selectively to a second unit.

38. The system according to Claim 37, wherein the first and second units are the same unit.

39. The system according to Claim 37, wherein the first and second units are different units.

40. The system according to Claim 37, wherein the first and/or second units are predetermined.

41. The system according to Claim 37, wherein the first unit comprises a wireless communications device and/or the second unit comprises a wireless communications device.

42. The system according to Claim 37, wherein the first unit is associated with an Internet Protocol (IP) address and/or the second unit is associated with an IP address.

IPR2025-01239
Apple EX1044 Page 29

43. The system according to Claim 36, wherein receiving data comprises receiving a position, a request and/or an acknowledgement and wherein transmitting data comprises transmitting a position, an authorization and/or an acknowledgement.

44. The system according to Claim 36, wherein the financial transaction comprises a payment of a toll and/or a payment associated with a purchase of one or more items.

45. The system according to Claim 37, wherein the reception of data comprises reception of data once or repeatedly and wherein the transmission of data comprises transmission of data once or repeatedly.

46. The system according to Claim 26, wherein the entity comprises a person, an animal, a building, a motor vehicle, a shopping cart, a product that is on sale, a check-out counter, a geographic position, a geographic area and/or one or more locations in time and/or space.

47. The system according to Claim 27, further comprising the first device, the second device, the entity, the device that is associated with the entity and/or the system that is associated with the first and/or second devices.

48. The system according to Claim 26, wherein the detector is further configured to selectively enable a first communications mode comprising a first air interface protocol that uses a first set of frequencies to transmit/receive information based upon Orthogonal Frequency Division Multiplexing (OFDM) and/or Orthogonal Frequency Division Multiple Access (OFDMA).

49. The system according to Claim 48, wherein the first air interface protocol is further based upon Time Division Duplex (TDD) operation wherein the first set of frequencies are used to transmit information over a first time interval and are also used to receive information over a second time interval.

IPR2025-01239
Apple EX1044 Page 30

50. The system according to Claim 48, wherein the first set of frequencies comprises licensed and/or un-licensed frequencies.

51. The system according to Claim 48, wherein the detector is further configured to selectively disable a second communications mode comprising a second air interface protocol that uses a second set of frequencies to transmit/receive information.

52. The system according to Claim 51, wherein the second air interface differs from the first air interface and/or the second set of frequencies differs, in at least one frequency, from the first set of frequencies.

53. A method comprising:

detecting that a proximity criterion is satisfied between a first device and an entity; and

enabling a mode of the first device or a mode of a second device responsive to detecting satisfaction of the proximity criterion and while the proximity criterion is satisfied, wherein the first device and the second device form a part of a communication system providing communications service to the first device and the second device;

wherein the second device is independent of the entity and wherein the entity is independent of the communications service provided to the first and second device.

IPR2025-01239
Apple EX1044 Page 31

54. A system comprising:

a mobile subscriber device;

a detector coupled to the mobile subscriber device wherein the detector is configured to enable a function of the mobile subscriber device responsive to a detection that a proximity criterion is satisfied between the mobile subscriber device and an entity defined by a person, an animal, a building, a motor vehicle, a shopping cart, a product on sale, a check-out counter, a geographic position, a geographic area, or a geographic area or geographic position combined with a predetermined time frame, wherein the mobile subscriber device and a second mobile subscriber device form a part of a communication system providing communications service to the mobile subscriber device and the second mobile subscriber device;

wherein the second mobile subscriber device is independent of the entity and wherein the entity is independent of the communications service provided to the mobile subscriber device and second mobile subscriber device.

IPR2025-01239
Apple EX1044 Page 32

ABSTRACT

A system (10) and method (30) comprises a detector that is configured to enable a mode of a first device (14) and/or to enable a mode of a second device (15) responsive to a detection that a proximity criterion is satisfied between the first device and an entity (Entity 1) and responsive to at least one of a position, velocity and a Time-of-Day and where the second device is not the entity and is not associated with the entity, and where the entity is not involved in providing a communications service to the first and/or second device.

IPR2025-01239
Apple EX1044 Page 33

DECLARATION FOR PATENT APPLICATION

Docket No: 8382-3

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION

the specification of which (check one)

X is attached hereto.
__ was filed on _____as
Application Serial No. ____ and
was amended on _____(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations Section 1.56(a).

I hereby claim priority benefits under Title 35, United States Code 119 of any application(s) for patent or inventor's certificate listed below and have also identified below any application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Application(s)		Priority Claimed Yes	No
(Number)	(Country)	(Day/Month/Year Filed)	
(Number)	(Country)	(Day/Month/Year Filed)	

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Appln. Serial No.)	(Filing Date)	(Status-patent, pending, abandoned)

I hereby declare 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 issued thereon.

I hereby appoint registered patent practitioners associated with Customer Number **30448** as my attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, to amend the specification, to appeal in case of rejection, as they may deem advisable, to receive the patent when granted and generally to do all matters and things needful in the premises as fully and to all intents and purposes as I could do.

Please direct all correspondence to: **PABLO MELES, ESQ.**

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IPR2025-01239
Apple EX1044 Page 35

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IPR2025-01239
Apple EX1044 Page 36

Electronic Patent Application Fee Transmittal

Application Number:	
Filing Date:	
Title of Invention:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION
First Named Inventor/Applicant Name:	PETER D. KARABINIS
Filer:	Pablo Meles/Patricia Buckley
Attorney Docket Number:	8382-3

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Utility filing Fee (Electronic filing)	4011	1	82	82
Utility Search Fee	2111	1	270	270
Utility Examination Fee	2311	1	110	110
Pages:				
Claims:				
Claims in excess of 20	2202	34	26	884
Independent claims in excess of 3	2201	1	110	110
Miscellaneous-Filing:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
		Total in USD ($)		**1456**

Electronic Acknowledgement Receipt

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Application Number:	12264711
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RAM confirmation Number	9827
Deposit Account	500951
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part / .zip	Pages (if appl.)

IPR2025-01339
Apple EX1044 Page 39

1	Application Data Sheet	8382-3_ADS.pdf	40429 b3bb9adc30b2e4acc8dee89d5dcd3b3bdd43e1da	no	4
Warnings:					
Information:					
This is not an USPTO supplied ADS fillable form					
2	Information Disclosure Statement (IDS) Filed (SB/08)	8382-3_IDS.pdf	30469 90fc8d4206696adcbcf90303fcd375b0bef6485f	no	4
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
3		8382-3_APPLN.pdf	368322 94e1740f3b3894cf4109aa3b0d51ca991f80ca45	yes	35

Multipart Description/PDF files in .zip description

Document Description	Start	End
Specification	1	19
Claims	20	28
Abstract	29	29
Drawings-only black and white line drawings	30	32
Oath or Declaration filed	33	35

Warnings:					
Information:					
4	Fee Worksheet (PTO-06)	fee-info.pdf	38159 0e136925f5cb36c7f5a9e3c08ee3a2b0c4f2e5a5	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	477379	

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New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

PTO/SB/14 (07-07)
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	8382-3
	Application Number	
Title of Invention	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION	

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

Secrecy Order 37 CFR 5.2

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

Applicant Information:

Applicant 1

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

Prefix	Given Name	Middle Name	Family Name	Suffix
	PETER	D.	KARABINIS	

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

City	RESTON	State/Province	VA	Country of Residence [i]	US

Citizenship under 37 CFR 1.41(b) [i]: US

Mailing Address of Applicant:

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Address 2			
City	RESTON	State/Province	VA
Postal Code	20190	Country [i]	US

Applicant 2

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

Prefix	Given Name	Middle Name	Family Name	Suffix
	RAJENDRA		SINGH	

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

City	INDIAN CREEK VILLAGE	State/Province	FL	Country of Residence [i]	US

Citizenship under 37 CFR 1.41(b) [i]: US

Mailing Address of Applicant:

Address 1	23 INDIAN CREEK ISLAND ROAD		
Address 2			
City	INDIAN CREEK VILLAGE	State/Province	FL
Postal Code	33154	Country [i]	US

All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the **Add** button. Add

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.**

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	8382-3
	Application Number	
Title of Invention	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION	

Customer Number	30448		
Email Address	PABLO.MELES@AKERMAN.COM	Add Email	Remove Email

Application Information:

Title of the Invention	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION		
Attorney Docket Number	8382-3	**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)**	

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 and will not** be the subject of an application filed in another country, or under a multilateral international 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	○ Limited Recognition (37 CFR 11.9)
Customer Number	30448		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. 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			Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button.

Foreign Priority Information:

PTO/SB/14 (07-07)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	8382-3
	Application Number	
Title of Invention	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION	

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).

Remove

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.

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. [X]

Organization Name	TELCOM VENTURES, LLC

Mailing Address Information:

Address 1	200 SOUTH BISCAYNE BOULEVARD, 40TH FLOOR		
Address 2			
City	MIAMI	**State/Province**	FL
Country [i]	US	Postal Code	33131
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	/PABLO MELES/			Date (YYYY-MM-DD)	2008-11-04
First Name	PABLO	Last Name	MELES	Registration Number	33739

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

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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.

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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.

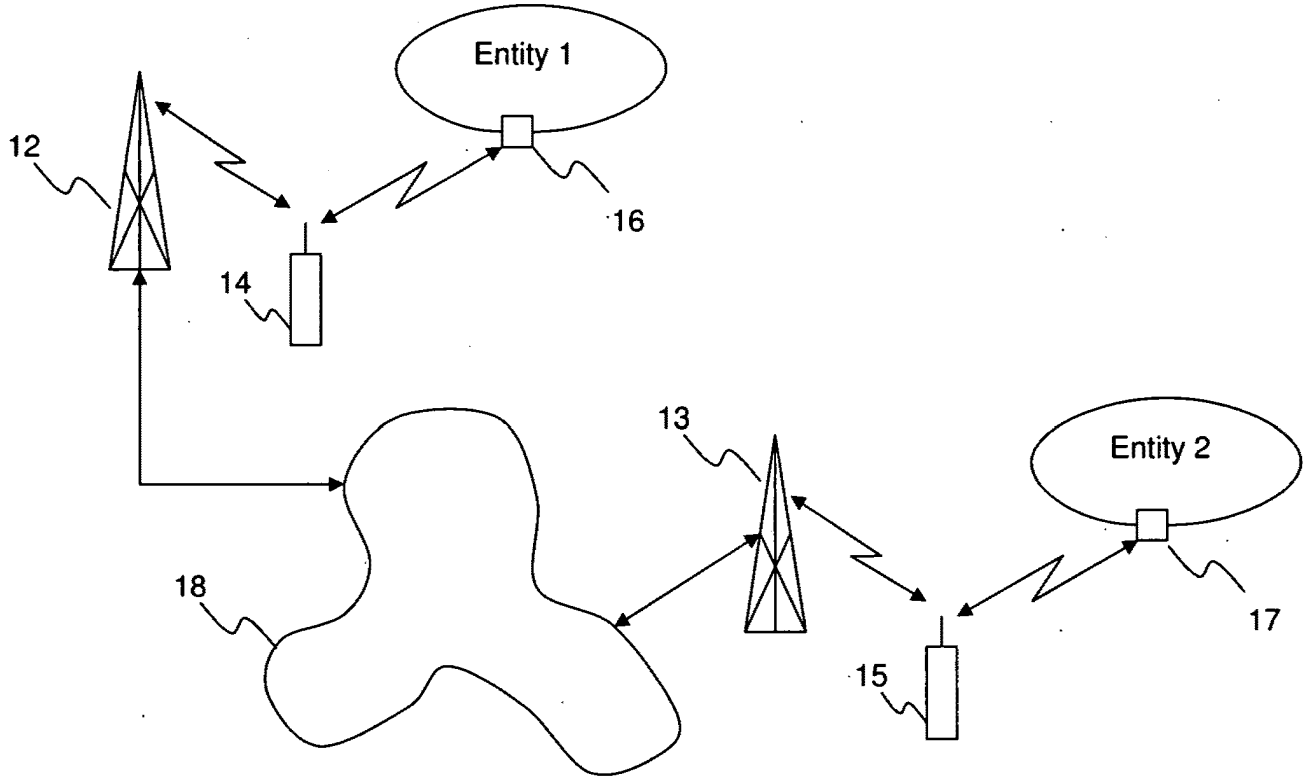


FIG. 1

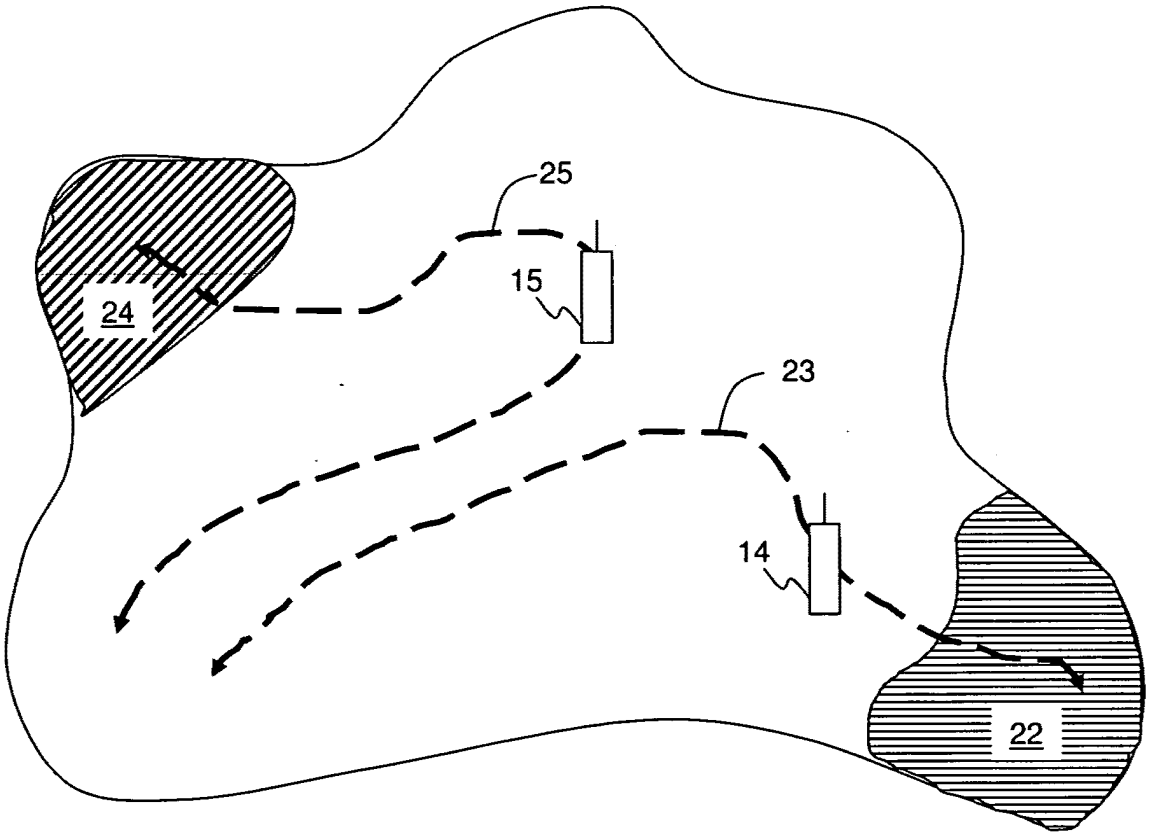
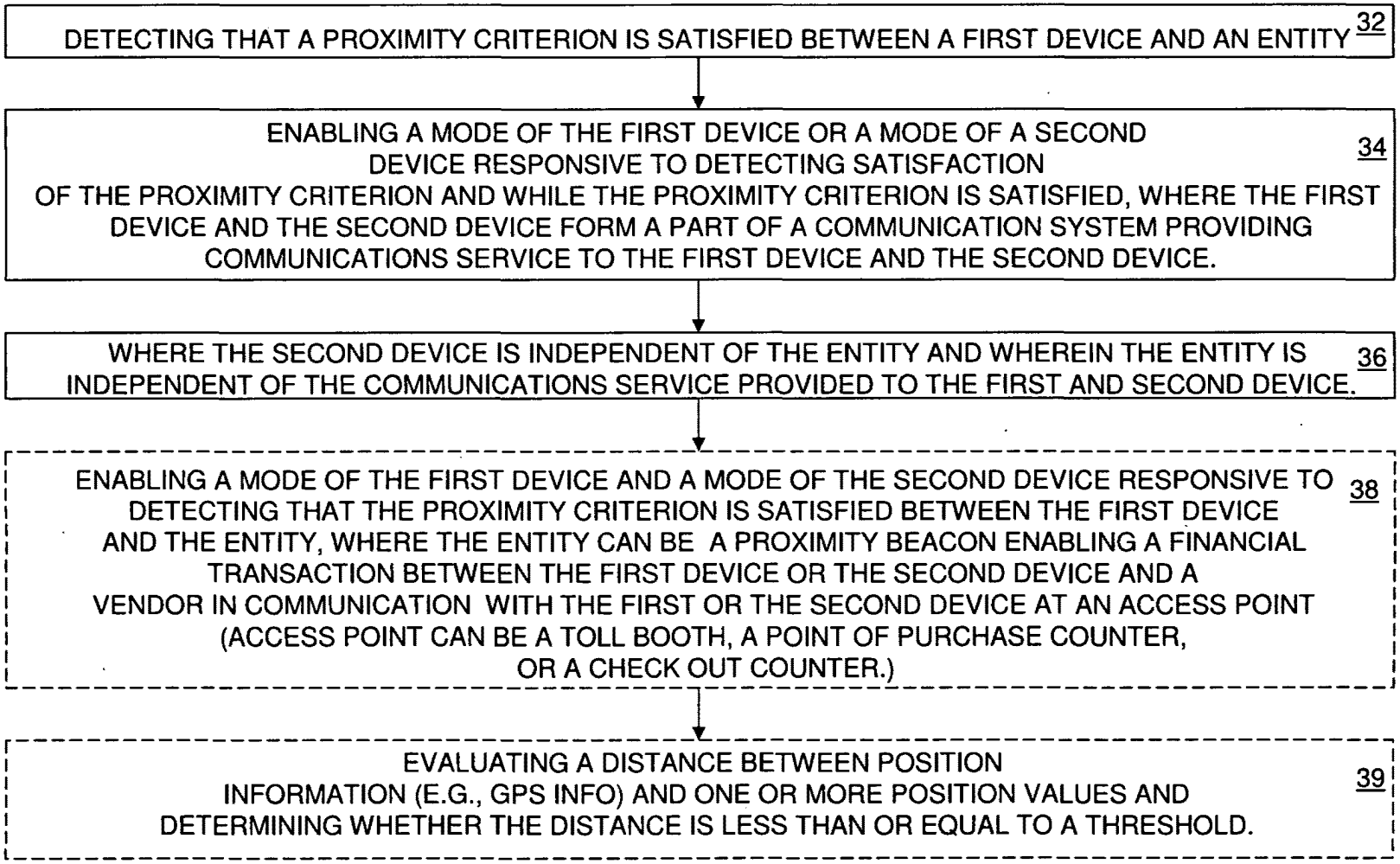


FIG. 2

IPR2025-01239
Apple EX1044 Page 47

FIG. 3 30


DETECTING THAT A PROXIMITY CRITERION IS SATISFIED BETWEEN A FIRST DEVICE AND AN ENTITY 32
ENABLING A MODE OF THE FIRST DEVICE OR A MODE OF A SECOND DEVICE RESPONSIVE TO DETECTING SATISFACTION OF THE PROXIMITY CRITERION AND WHILE THE PROXIMITY CRITERION IS SATISFIED, WHERE THE FIRST DEVICE AND THE SECOND DEVICE FORM A PART OF A COMMUNICATION SYSTEM PROVIDING COMMUNICATIONS SERVICE TO THE FIRST DEVICE AND THE SECOND DEVICE. 34
WHERE THE SECOND DEVICE IS INDEPENDENT OF THE ENTITY AND WHEREIN THE ENTITY IS INDEPENDENT OF THE COMMUNICATIONS SERVICE PROVIDED TO THE FIRST AND SECOND DEVICE. 36
ENABLING A MODE OF THE FIRST DEVICE AND A MODE OF THE SECOND DEVICE RESPONSIVE TO DETECTING THAT THE PROXIMITY CRITERION IS SATISFIED BETWEEN THE FIRST DEVICE AND THE ENTITY, WHERE THE ENTITY CAN BE A PROXIMITY BEACON ENABLING A FINANCIAL TRANSACTION BETWEEN THE FIRST DEVICE OR THE SECOND DEVICE AND A VENDOR IN COMMUNICATION WITH THE FIRST OR THE SECOND DEVICE AT AN ACCESS POINT (ACCESS POINT CAN BE A TOLL BOOTH, A POINT OF PURCHASE COUNTER, OR A CHECK OUT COUNTER.) 38
EVALUATING A DISTANCE BETWEEN POSITION INFORMATION (E.G., GPS INFO) AND ONE OR MORE POSITION VALUES AND DETERMINING WHETHER THE DISTANCE IS LESS THAN OR EQUAL TO A THRESHOLD. 39

PTO/SB/06 (12-04)

Filing Date: **11/04/08**

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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number: 12/264,711

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY FEE ($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	82		N/A	
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	270		N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	110		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	54 minus 20 =	34	x$26	884	OR	x$52	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	4 minus 3 =	* 1	x$110	110		x$220	
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $270 ($135 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))			195			390	
			TOTAL	1456		TOTAL	

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

APPLICATION AS AMENDED – PART II

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

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

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

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www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/264,711	11/04/2008	2625	1456	8382-3	54	4

CONFIRMATION NO. 1684

30448
AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH, FL 33402-3188

FILING RECEIPT

OC000000033159233

Date Mailed: 11/21/2008

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 submit a written request for a Filing Receipt Correction. 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)

PETER D. KARABINIS, Reston, VA;
Rajendra Singh, Indian Creek Village, FL;

Assignment For Published Patent Application

TELCOM VENTURES, LLC, Miami, FL

Power of Attorney: The patent practitioners associated with Customer Number 30448

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 11/18/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/264,711**

Projected Publication Date: 05/06/2010

Non-Publication Request: No

Early Publication Request: No
** **SMALL ENTITY** **

IPR2025-01239
Apple EX1044 Page 50

Title

MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION

Preliminary Class

358

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.

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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IPR2025-01239
Apple EX1044 Page 51

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IPR2025-01239
Apple EX1044 Page 52

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	12264711
Filing Date	2008-11-04
First Named Inventor	KARABINIS ET AL.
Art Unit	2617
Examiner Name	DWAYNE D. BOST
Attorney Docket Number	8382-3

U.S.PATENTS

Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1					

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U.S.PATENT APPLICATION PUBLICATIONS

Examiner Initial*	Cite No	Publication Number	Kind Code[1]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	20040030601	A1	2004-02-12	POND ET AL.	
	2	20060009234	A1	2006-01-12	FREER	
	3	20070167147	A1	2007-07-19	KRASNER ET AL.	
	4	20070285280	A1	2007-12-13	ROBINSON ET AL.	

If you wish to add additional U.S. Published Application citation information please click the Add button.

FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2] i	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (**Not for submission under 37 CFR 1.99)**		
	Application Number	12264711
	Filing Date	2008-11-04
	First Named Inventor	KARABINIS ET AL.
	Art Unit	2617
	Examiner Name	DWAYNE D. BOST
	Attorney Docket Number	8382-3

	1							☐

If you wish to add additional Foreign Patent Document citation information please click the Add button

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]
	1	PATENT COOPERATION TREATY, "International Search Report and Written Opinion", ISA/US, by Officer Lee W. young, in PCT Application No. PCT/US09/062792, Document of 8 pages dated December 23, 2009.	☐

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Application Number	12264711
Filing Date	2008-11-04
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Art Unit	2617
Examiner Name	DWAYNE D. BOST
Attorney Docket Number	8382-3

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☒ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☐ None

SIGNATURE

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

Signature	/PABLO MELES/	Date (YYYY-MM-DD)	2010-03-17
Name/Print	PABLO MELES	Registration Number	33739

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1 hour 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.**

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
PABLO MELES
AKERMAN SENTERFITT
222 LAKEVIEW AVENUE, 4TH FLOOR
WEST PALM BEACH, FL 33402-3188

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

	Date of mailing *(day/month/year)* 23 DEC 2009
Applicant's or agent's file reference 8382-3WO	**FOR FURTHER ACTION** See paragraphs 1 and 4 below
International application No. PCT/US 09/62792	International filing date *(day/month/year)* 30 October 2009 (30.10.2009)
Applicant TELCOM VENTURES, LLC	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

   Filing of amendments and statement under Article 19:
   The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

   When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

   Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 8270

   For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

   ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

   ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

   Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90*bis*.1 and 90*bis*.3, respectively, before the completion of the technical preparations for international publication.

   The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

   Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

   In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

   See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450, Alexandria, Virginia 22313-1450 Facsimile No. 571-273-3201	Authorized officer: Lee W. Young PCT Helpdesk: 571-272-4300 PCT OSP: 571-272-7774

Form PCT/ISA/220 (January 2004) *(See notes on accompanying sheet)*

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 8382-3WO	**FOR FURTHER ACTION**	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/US 09/62792	International filing date *(day/month/year)* 30 October 2009 (30.10.2009)	(Earliest) Priority Date *(day/month/year)* 04 November 2008 (04.11.2008)
Applicant TELCOM VENTURES, LLC		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 9 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**

   a. With regard to the **language**, the international search was carried out on the basis of:

   ☒ the international application in the language in which it was filed.

   ☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

   b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6*bis*(a)).

   c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (see Box No. II).

3. ☐ **Unity of invention is lacking** (see Box No. III).

4. With regard to the **title**,

   ☒ the text is approved as submitted by the applicant.

   ☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

   ☒ the text is approved as submitted by the applicant.

   ☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

   a. the figure of the **drawings** to be published with the abstract is Figure No. 1

   ☐ as suggested by the applicant.

   ☒ as selected by this Authority, because the applicant failed to suggest a figure.

   ☐ as selected by this Authority, because this figure better characterizes the invention.

   b. ☐ none of the figures is to be published with the abstract.

IPR2025-01239
Apple EX1044 Page 57

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US 09/62792

A. CLASSIFICATION OF SUBJECT MATTER
IPC(8) - H04W 36/00 (2009.01)
USPC - 455/440
According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
USPC - 455/440

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
USPC - 455/404.2, 440 (keyword limited - see terms below)

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
PubWEST (PGPB,USPT,EPAB,JPAB); Google; Search Terms Used:
proximity, device, entity, distance, position, range, threshold, financial, transaction, purchase, payment, enable, mode, orthogonal frequency-division multiplex, OFDM, time division duplex, TDD, wireless, mobile, licensed, unlicensed, receive, transmit, vehicle, cart

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X --- Y	US 2004/0030601 A1 (Pond et al.) 12 February 2004 (12.02.2004), Fig 3, 5A, 7, 14, para [0032], [0034], [0069]-[0070], [0078], [0083], [0088], [0101], [0131], [0135], [0141]	1-4, 6-11, 15-18, 20-24 --- 5, 12-14, 19
X --- Y	US 2007/0167147 A1 (Krasner et al.) 19 July 2007 (19.07.2007), Fig 1, 2, 4, para [0041]-[0043], [0051]-[0052], [0067]	25, 26 --- 5, 12-14, 19
A	US 2006/0009234 A1 (Freer) 12 January 2006 (12.01.2006), entire document	1 - 26
A	US 2007/0285280 A1 (Robinson et al.) 13 December 2007 (13.12.2007), entire document	1 - 26

☐ Further documents are listed in the continuation of Box C. ☐

* Special categories of cited documents:
"A" document defining the general state of the art which is not considered to be of particular relevance
"E" earlier application or patent but published on or after the international filing date
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
"O" document referring to an oral disclosure, use, exhibition or other means
"P" document published prior to the international filing date but later than the priority date claimed
"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
11 December 2009 (11.12.2009)	23 DEC 2009
Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US, Commissioner for Patents P.O. Box 1450, Alexandria, Virginia 22313-1450 Facsimile No. 571-273-3201	Authorized officer: Lee W. Young PCT Helpdesk: 571-272-4300 PCT OSP: 571-272-7774

Form PCT/ISA/210 (second sheet) (July 2009)

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To: PABLO MELES
AKERMAN SENTERFITT
222 LAKEVIEW AVENUE, 4TH FLOOR
WEST PALM BEACH, FL 33402-3188

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	23 DEC 2009

Applicant's or agent's file reference	FOR FURTHER ACTION
8382-3WO	See paragraph 2 below

International application No.	International filing date *(day month year)*	Priority date *(day month year)*
PCT/US 09/62792	30 October 2009 (30.10.2009)	04 November 2008 (04.11.2008)

International Patent Classification (IPC) or both national classification and IPC
IPC(8) - H04W 36/00 (2009.01)
USPC - 455/440

Applicant TELCOM VENTURES, LLC

1. This opinion contains indications relating to the following items:

- [X] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [X] Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [ ] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/US	Date of completion of this opinion	Authorized officer:
Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450, Alexandria, Virginia 22313-1450 Facsimile No. 571-273-3201	11 December 2009 (11.12.2009)	Lee W. Young PCT Helpdesk: 571-272-4300 PCT OSP: 571-272-7774

Form PCT/ISA/237 (cover sheet) (July 2009)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US 09/62792

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed.

   ☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

   a. (means)

      ☐ on paper

      ☐ in electronic form

   b. (time)

      ☐ in the international application as filed

      ☐ together with the international application in electronic form

      ☐ subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

IPR2025-01239
Apple EX1044 Page 60

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US 09/62792

Box No. V **Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	5, 12-14, 19	YES
	Claims	1-4, 6-11, 15-18, 20-26	NO
Inventive step (IS)	Claims	None.	YES
	Claims	1 - 26	NO
Industrial applicability (IA)	Claims	1 - 26	YES
	Claims	None.	NO

2. Citations and explanations:

Claims 1-4, 6-11, 15-18 and 20-24 lack novelty under PCT Article 33(2) as being anticipated by US 2004/0030601 A1 to Pond et al. (hereinafter 'Pond').

Regarding claim 1, Pond discloses a method comprising: detecting that a proximity criterion is satisfied between a first wireless communications device and an entity (see para [0083]); and enabling a mode of the first device and/or a mode of a second wireless communications device responsive to the detecting and responsive to at least one of a position, velocity and a Time-of-Day (see para [0083] -- 'reader/interrogator may also send a code to a register of MCU instructing phone to go to passive mode'); wherein the second device is not the entity and is not associated with the entity (see Fig 5A and para [0088] -- 'transaction starts 503 when mobile station with cover 104 is within the EM field created by interrogator 352 in kiosk 502'; see also para [0070]), and wherein the entity is not involved in providing a communications service to the first and/or second device (see Fig 14 and para [0131]).

Regarding claim 2, Pond discloses the method according to Claim 1. Pond further discloses wherein the detecting is performed by the first device, by the second device, by a device that is associated with the entity and/or by a system that is associated with the first and/or second devices (see para [0083] -- 'EM field created by reader/interrogator').

Regarding claim 3, Pond discloses the method according to Claim 1. Pond further discloses wherein the enabling is performed by the first device, by the second device, by a device that is associated with the entity and/or by a system that is associated with the first and/or second devices (see para [0083] -- 'reader/interrogator may also send a code to a register of MCU instructing phone to go to passive mode').

Regarding claim 4, Pond discloses the method according to Claim 1. Pond further discloses wherein detecting comprises: using position information associated with the first device (see para [0141] -- 'GPS may make for more accurate location-based services'); using position information associated with the second device (see para [0141] -- 'GPS may make for more accurate location-based services'); detecting a signal that is being radiated by the first device (see Fig 2B and para [0065] -- 'RFID transponder 110'); detecting a signal that is being radiated by the second device (see Fig 2B and para [0065] -- 'RFID transponder 110'); and/or detecting a signal that is being radiated by a device that is associated with the entity (see para [0083] -- 'passed inside an EM field created by reader/interrogator').

Regarding claim 6, Pond discloses the method according to Claim 1. Pond further discloses wherein the method performs a function responsive to the enabling and the function comprises a financial transaction, receiving data and/or transmitting data (see Fig 14 and para [0131] -- 'payment system 1400'; para [0135]).

Regarding claim 7, Pond discloses the method according to Claim 6. Pond further discloses wherein the first unit is associated with an Internet Protocol (IP) address and/or the second unit is associated with an IP address (see para [0130] -- 'TCP/IP network connection').

Regarding claim 8, Pond discloses the method according to Claim 6. Pond further discloses wherein receiving data comprises receiving a position, a request and/or an acknowledgement and wherein transmitting data comprises transmitting a position, an authorization and/or an acknowledgement (see para [0034], [0101]).

Regarding claim 9, Pond discloses the method according to Claim 6. Pond further discloses wherein the financial transaction comprises providing payment associated with a toll and/or providing payment associated with a purchase of one or more items (see para 5A and para [0087]).

Regarding claim 10, Pond discloses the method according to Claim 6. Pond further discloses wherein receiving data comprises receiving data once or repeatedly and wherein transmitting data comprises transmitting data once or repeatedly (see para [0083] -- 'interrogator may transmit at a first frequency and the transponder may reply at a second frequency').

Regarding claim 11, Pond discloses the method according to Claim 1. Pond further discloses wherein the entity comprises a person, an animal, a building, a motor vehicle, a shopping cart, a product, a check-out counter, a geographic position, a geographic area and/or one or more locations in time and/or space (see Fig 3, 7, 14 and para [0070], [0078], [0110], [0131]).

-- Continued on Supplemental Pages. --

IPR2025-01239
Apple EX1044 Page 61

Supplemental Box

In case **the space in any of the preceding boxes is not sufficient.**
Continuation of:

V.2. Citations and explanations:

Regarding claim 15, Pond discloses a system comprising: a detector that is configured to enable a mode of a first wireless communications device and/or to enable a mode of a second wireless communications device responsive to a detection that a proximity criterion is satisfied between the first device and an entity and responsive to at least one of a position, velocity and a Time-of-Day (see para [0083] -- 'reader/interrogator may also send a code to a register of MCU instructing phone to go to passive mode'); wherein the second device is not the entity and is not associated with the entity (see Fig 5A and para [0088] -- 'transaction starts 503 when mobile station with cover 104 is within the EM field created by interrogator 352 in kiosk 502'; see also para [0070]), and wherein the entity is not involved in providing a communications service to the first and/or second device (see Fig 14 and para [0131]).

Regarding claim 16, Pond discloses the system according to Claim 15. Pond further discloses wherein the detection is performed by the first device, by the second device, by a device that is associated with the entity and/or by a system that is associated with the first and/or second devices (see para [0083] -- 'EM field created by reader/interrogator').

Regarding claim 17, Pond discloses the system according to Claim 15. Pond further discloses wherein the mode is enabled by the first device, by the second device, by a device that is associated with the entity and/or by a system that is associated with the first and/or second devices (see para [0083] -- 'reader/interrogator may also send a code to a register of MCU instructing phone to go to passive mode').

Regarding claim 18, Pond discloses the system according to Claim 15. Pond further discloses wherein the detection comprises: use of position information associated with the first device (see para [0141] -- 'GPS may make for more accurate location-based services'); use of position information associated with the second device (see para [0141] -- 'GPS may make for more accurate location-based services'); a detection of a signal that is being radiated by the first device (see Fig 2A and para [0065] -- 'RFID transponder 110'); a detection of a signal that is being radiated by the second device (see Fig 2A and para [0065] -- 'RFID transponder 110'); and/or a detection of a signal that is being radiated by a device that is associated with the entity (see para [0083] -- 'passed inside an EM field created by reader/interrogator').

Regarding claim 20, Pond discloses the system according to Claim 15. Pond further discloses wherein the first device and/or the second device is/are configured to perform a function responsive to the mode having been enabled by the detector (see Fig 14 and para [0131] -- 'payment system 1400'; para [0135]).

Regarding claim 21, Pond discloses the system according to Claim 20. Pond further discloses wherein the function comprises a financial transaction, reception of data and/or transmission of data (see Fig 14 and para [0131] -- 'payment system 1400'; para [0135]).

Regarding claim 22, Pond discloses the system according to Claim 21. Pond further discloses wherein receiving data comprises receiving a position, a request and/or an acknowledgement and wherein transmitting data comprises transmitting a position, an authorization and/or an acknowledgement (see para [0034], [0101]).

Regarding claim 23, Pond discloses the system according to Claim 21. Pond further discloses wherein the financial transaction comprises a payment of a toll and/or a payment associated with a purchase of one or more items (see para 5A and para [0087]).

Regarding claim 24, Pond discloses the system according to Claim 15. Pond further discloses wherein the entity comprises a person, an animal, a building, a motor vehicle, a shopping cart, a product that is on sale, a check-out counter, a geographic position, a geographic area and/or one or more locations in time and/or space (see Fig 3, 7, 14 and para [0070], [0078], [0110], [0131]).

Claims 25 and 26 lack novelty under PCT Article 33(2) as being anticipated by US 2007/0167147 A1 to Krasner et al. (hereinafter 'Krasner').

Regarding claim 25, Krasner discloses a method comprising: detecting that a proximity criterion is satisfied between a first device and an entity (see Fig 1 and para [0051]); and enabling a mode of the first device or a mode of a second device responsive to detecting satisfaction of the proximity criterion and while the proximity criterion is satisfied (see Fig 4 and para [0052], [0067]), wherein the first device and the second device form a part of a communication system providing communications service to the first device and the second device (see Fig 1 and para [0043]); wherein the second device is independent of the entity and wherein the entity is independent of the communications service provided to the first and second device (see Fig 1 and para [0043]).

Regarding claim 26, Krasner discloses a system comprising: a mobile subscriber device (see Fig 1 and para [0041]); a detector coupled to the mobile subscriber device wherein the detector is configured to enable a function of the mobile subscriber device responsive to a detection that a proximity criterion is satisfied between the mobile subscriber device and an entity defined by a person, an animal, a building, a motor vehicle, a shopping cart, a product on sale, a check-out counter, a geographic position, a geographic area, or a geographic area or geographic position combined with a predetermined time frame (see Fig 1 and para [0051]), wherein the mobile subscriber device and a second mobile subscriber device form a part of a communication system providing communications service to the mobile subscriber device and the second mobile subscriber device (see Fig 1 and para [0043]); wherein the second mobile subscriber device is independent of the entity and wherein the entity is independent of the communications service provided to the mobile subscriber device and second mobile subscriber device (see Fig 1 and para [0043]).

-- Continued on next page. --

IPR2025-01239
Apple EX1044 Page 62

Supplemental Box

In case **the space in any of the preceding boxes is not sufficient.**
Continuation of:

V.2. Citations and explanations:

Claims 5, 12-14 and 19 lack an inventive step under PCT Article 33(3) as being obvious over Pond, in view of Krasner.

Regarding claim 5, Pond discloses the method according to Claim 4. Pond does not disclose wherein using position information comprises: evaluating a distance between the position information and one or more position values; and determining whether the distance is less than or equal to a threshold. However, Krasner discloses wherein using position information comprises: evaluating a distance between the position information and one or more position values (see Fig 1, 2 and para [0051]-[0052]); and determining whether the distance is less than or equal to a threshold (see Fig 1, 2 and para [0051]-[0052]). It would have been obvious to one skilled in the art to combine the method of Pond with the predetermined range of Krasner, because Pond and Krasner are directed to system and method for mobile device proximity interaction (see abstracts). Furthermore, users benefit from methods that include predetermined range, because such methods facilitate 'using a mobile device enabled for short range proximity signaling' (see Krasner para [0032]).

Regarding claim 12, Pond discloses the method according to Claim 1. Pond does not disclose wherein enabling a mode comprises: selectively enabling a first communications mode comprising a first air interface protocol that uses a first set of frequencies to transmit/receive information based upon Orthogonal Frequency Division Multiplexing (OFDM) and/or Orthogonal Frequency Division Multiple Access (OFDMA). However, Krasner discloses wherein enabling a mode comprises: selectively enabling a first communications mode comprising a first air interface protocol that uses a first set of frequencies to transmit/receive information based upon Orthogonal Frequency Division Multiplexing (OFDM) and/or Orthogonal Frequency Division Multiple Access (OFDMA) (see Fig 1, 3 and para [0059], [0075], [0093]). It would have been obvious to one skilled in the art to combine the method of Pond with the multiple frequency transmission of Krasner, because Pond and Krasner are directed to system and method for mobile device proximity interaction (see abstracts). Furthermore, users benefit from methods that include multiple frequency transmission, because such methods facilitate 'transmit and receive calls and messages using radio frequencies in a radio communication network' (see Pond para [0056]).

Regarding claim 13, Pond and Krasner discloses the method according to Claim 12. Krasner further discloses wherein the first air interface protocol is further based upon Time Division Duplex (TDD) operation wherein the first set of frequencies are used to transmit information over a first time interval and are also used to receive information over a second time interval (see para [0075], [0093] -- 'Time Division Multiple Access').

Regarding claim 14, Pond and Krasner discloses the method according to Claim 12. Krasner further discloses wherein the first set of frequencies comprises licensed and/or un-licensed frequencies (see para [0053]).

Regarding claim 19, Pond discloses the system according to Claim 18. Pond does not disclose wherein use of position information comprises: an evaluation of a distance between the position information and one or more position values; and a determination of whether the distance is less than or equal to a threshold. However, Krasner discloses wherein use of position information comprises: an evaluation of a distance between the position information and one or more position values; and a determination of whether the distance is less than or equal to a threshold (see Fig 1, 2 and para [0051]-[0052]); and determining whether the distance is less than or equal to a threshold (see Fig 1, 2 and para [0051]-[0052]). It would have been obvious to one skilled in the art to combine the method of Pond with the predetermined range of Krasner, because Pond and Krasner are directed to system and method for mobile device proximity interaction (see abstracts). Furthermore, users benefit from methods that include predetermined range, because such methods facilitate 'using a mobile device enabled for short range proximity signaling' (see Krasner para [0032]).

Claims 1 - 26 have industrial applicability as defined by PCT Article 33(4) because the subject matter can be made or used in industry.

IPR2025-01239
Apple EX1044 Page 63

Electronic Acknowledgement Receipt

EFS ID:	7230504
Application Number:	12264711
International Application Number:	
Confirmation Number:	1684
Title of Invention:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION
First Named Inventor/Applicant Name:	PETER D. KARABINIS
Customer Number:	30448
Filer:	Pablo Meles
Filer Authorized By:	
Attorney Docket Number:	8382-3
Receipt Date:	17-MAR-2010
Filing Date:	04-NOV-2008
Time Stamp:	18:28:26
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	8382-3_SUPPL-IDS-LTR.pdf	25417 aebd7210eba167f667818f3048b85bac0e4b4a39	no	3

Warnings:	
Information:	

IPR2025-01239
Apple EX1044 Page 64

2	Information Disclosure Statement (IDS) Filed (SB/08)	8382-3_SUPPL-IDS.pdf	31509 267726245f1d1df38f6ca1e803d11478c86fd513	no	3
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
3	NPL Documents	8382-3_NPL_ISR.pdf	487203 6d7bb97176c1b2d524770ce07e9d5ecbc1b390d5	no	8
Warnings:					
Information:					
		Total Files Size (in bytes):	544129		

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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	:	12/264,711	Confirmation No.:	1684
Applicant	:	Karabinis *et al.*		
Filed	:	November 4, 2008	Examiner:	Not Assigned Yet
TC/A.U.	:	2617		
Docket No.	:	8382-3		
Customer No.	:	30448		
Title	:	**MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION**		

TRANSMITTAL LETTER

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

Sir:

Please find enclosed for filing:

- Supplemental Information Disclosure Statement, Form PTO/SB/08A, with References.

No fee is believed to be due in connection with this submission, however, please charge any deficiencies or credit any overpayments to Deposit Account No. 50-0951.

Respectfully submitted,

/Pablo Meles /

Pablo Meles, Reg. No. 33,739
AKERMAN SENTERFITT
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (954) 759-8959

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	:	12/264,711	Confirmation No.: 1684
Applicant	:	Karabinis *et al.*	
Filed	:	November 4, 2008	Examiner: Not Assigned Yet
TC/A.U.	:	2617	
Docket No.	:	8382-3	
Customer No.	:	30448	
Title	:	**MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION**	

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

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

Sir:

Pursuant to the Duty to Disclose under 37 C.F.R. § 1.56, Applicant hereby discloses information that may be relevant to the Examiner's consideration of the above-identified application and the patentability of its claims.

In accordance with 37 C.F.R. §§ 1.56, 1.97, and 1.98, Form PTO/SB/08A with references cited therein, is submitted for consideration by the Examiner. The references were cited in the Search Report, dated December 23, 2009, conducted on the corresponding PCT application to the present application.

The submission of the listed documents is not intended as an admission that such documents constitute prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove the listed documents as competent references against the claims of the present application.

Applicant respectfully requests that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08A be returned in accordance with MPEP §609.

Certification

This Statement is being filed prior to the issuance of the first Office Action for the present application, and this paper is thus submitted in accordance with 37 C.F.R. § 1.97(b). In view of the above certification, a fee is not required for consideration of this document. Nevertheless, should a fee be deemed to be due by the Commissioner, such fee should be charged to Deposit Account No. 50-0951. Applicant submits that the present invention is patentable over these references.

Respectfully submitted,

/Pablo Meles /

Pablo Meles, Reg. No. 33,739
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UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	PATENT NUMBER	GROUP ART UNIT	FILE WRAPPER LOCATION
12/264,711		2617	

OC000000041284685

Correspondence Address/Fee Address Change

The following fields have been set to Customer Number 92382 on 04/23/2010

- **Correspondence Address**
- **Maintenance Fee Address**
- **Power of Attorney Address**

The address of record for Customer Number 92382 is:

92382
Guntin Meles & Gust, PLC
304 Indian Trace, #750
Weston, FL 33326

IPR2025-01239
Apple EX1044 Page 69

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	PATENT NUMBER	GROUP ART UNIT	FILE WRAPPER LOCATION
12/264,711		2617	

OC000000041311484

Correspondence Address/Fee Address Change

The following fields have been set to Customer Number 92382 on 04/26/2010

- **Correspondence Address**
- **Maintenance Fee Address**
- **Power of Attorney Address**

The address of record for Customer Number 92382 is:

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Guntin Meles & Gust, PLC
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Weston, FL 33326

IPR2025-01239
Apple EX1044 Page 70

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/264,711	11/04/2008	PETER D. KARABINIS	8382-3

CONFIRMATION NO. 1684

PUBLICATION NOTICE

92382
Guntin Meles & Gust, PLC
304 Indian Trace, #750
Weston, FL 33326

OC000000041489124

Title:MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION

Publication No.US-2010-0113013-A1
Publication Date:05/06/2010

NOTICE OF PUBLICATION OF APPLICATION

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

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

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

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

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

Office of Data Managment, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

IPR2025-01239
Apple EX1044 Page 71

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/264,711	11/04/2008	PETER D. KARABINIS	8382-3	1684

92382 7590 10/05/2011

Guntin Meles & Gust, PLC
304 Indian Trace, #750
Weston, FL 33326

EXAMINER	
VU, MICHAEL T	

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
10/05/2011	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):

docketing@gmgip.com

Office Action Summary	Application No.	Applicant(s)	
	12/264,711	KARABINIS ET AL.	
	Examiner	Art Unit	
	MICHAEL VU	2617	

-- 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 *04 November 2008*.

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) *1-54* 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) *1-54* 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 *04 November 2008* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

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

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

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

Priority under 35 U.S.C. § 119

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

a)☐ All b)☐ Some * c)☐ None of:

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

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

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

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

Attachment(s)

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

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 3/17/2010, 11/04/2008 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

2. Claim 8 is objected to because of the following informalities:

For example: Claim 8 "**A** method according to claim 7, wherein ……." Dependent claim should change to "**the** method according to claim 7, wherein….."

** Appropriate correction is required **.

Claim Rejections - 35 USC § 103

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

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

4. **Claims 1-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hassett (US 2006/0145893) in view of Alberth et al (US 7,822,644).**

Regarding claims 1, 26, and 53, Hassett teaches a method comprising:

detecting that a proximity criterion is satisfied between a first device and an entity (Hassett: Figs. 1-2 show detecting/determining between a first device and second device or entity); and

enabling a mode of the first device **and/or** a mode of a second device responsive to the detecting (Hassett discloses detecting signals, [0086]) and responsive to at least one of a position (Hassett: Fig. 2), velocity (Hassett discloses vehicle is moving, Fig. 10) and a Time-of-Day (Hassett discloses collection data and transaction time [0200], and time stamp [0211]);

Hasset does not explicitly teach wherein the second device is not the entity and is not associated with the entity and wherein the entity is not involved in providing a communications service to the first and/or second device.

Albert, in the same field of endeavor, teaches wherein the second device is not the entity and is not associated with the entity (Alberth discloses detecting related/non-related device, Col. 2 line 35 to Col. 3 line 36) and wherein the entity is not involved in providing a communications service to the first and/or second device (Alberth: Figs 2-3 show authorized/unauthorized transaction, Col. 5 line 3 to Col. 6 line 67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hassett to provide the mobile communication devices for automatically selecting within range that authorize a transactions using a wireless device and data collection and exchange information for more efficiently and conveniently as taught by Albert. One would be motivated to

benefit to more mobile communication devices that could govern communication such as transactions payment without erroneously (Albert, page 1 lines 45-67).

Regarding claims 2 and 27, Hassett and Albert teach the method according to claim 1, Hasset does not clearly teach wherein the detecting is performed by the first device, by the second device, by a device that is associated with the entity and/or by a system that is associated with the first and/or second devices.

Albert, in the same field of endeavor, teaches wherein the detecting is performed by the first device (Alberth: Fig. 3 shows detecting by the first device), by the second device (Alberth: Fig. 3 shows detecting by the second device), by a device that is associated with the entity and/or by a system that is associated with the first and/or second devices (Alberth: Fig. 3 shows a device that is associated with other/third device).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hassett to provide the mobile communication devices for automatically selecting within range that authorize a transactions using a wireless device and data collection and exchange information for more efficiently and conveniently as taught by Albert. One would be motivated to benefit to more mobile communication devices that could govern communication such as transactions payment without erroneously (Albert, page 1 lines 45-67).

Regarding claims 3, 28 and 47, Hassett and Albert teach the method according to claim 1, Hasset does not clearly teach wherein the enabling is performed by the first device, by the second device, by a device that is associated with the entity and/or by a system that is associated with the first and/or second devices.

Albert, in the same field of endeavor, teaches wherein the enabling is performed by the first device (Alberth: Fig. 3 shows detecting by the first device), by the second device (Alberth: Fig. 3 shows detecting by the second device), by a device that is associated with the entity and/or by a system that is associated with the first and/or second devices (Alberth: Fig. 3 shows a device that is associated with other/third device).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hassett to provide the mobile communication devices for automatically selecting within range that authorize a transactions using a wireless device and data collection and exchange information for more efficiently and conveniently as taught by Albert. One would be motivated to benefit to more mobile communication devices that could govern communication such as transactions payment without erroneously (Albert, page 1 lines 45-67).

Regarding claims 4 and 29, Hassett and Albert teach the method according to claim 1, Hassett further discloses wherein the first device comprises a wireless communications device **and/or** the second device comprises a wireless

communications device (Hassett: Figs. 1-2 show a wireless device and the other device).

Regarding claims 5, and 30-31, Hassett and Albert teach the method according to claim 2, wherein the system comprises a wireless communications system (Hassett: Figs. 1-2).

Regarding claims 6 and 32, the combination of Hassett and Albert teach the method according to claim 1, Hasset does not clearly teach wherein detecting comprises: using position information associated with the first device; using position information associated with the second device; detecting a signal that is being radiated by the first device; detecting a signal that is being radiated by the second device; **and/or** detecting a signal that is being radiated by a device that is associated with the entity.

Albert, in the same field of endeavor, teaches wherein detecting comprises: using position information associated with the first device (Alberth: Col. 2 line 35 to Col 3 line 36); using position information associated with the second device (Alberth: Col. 2 line 35 to Col 3 line 36); detecting a signal that is being radiated by the first device (Alberth: Col. 5 line 3 to Col. 6 line 44); detecting a signal that is being radiated by the second device (Alberth: Col. 5 line 3 to Col. 6 line 44); **and/or** detecting a signal that is being radiated by a device that is associated with the entity (Alberth: Col. 5 line 3 to Col. 6 line 44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hassett to provide the mobile communication devices for automatically selecting within range that authorize a transactions using a wireless device and data collection and exchange information for more efficiently and conveniently as taught by Albert. One would be motivated to benefit to more mobile communication devices that could govern communication such as transactions payment without erroneously (Albert, page 1 lines 45-67).

Regarding claims 7 and 33, Hassett and Albert teach the method according to claim 6, Hasset does not clearly teach wherein using position information comprises: evaluating a distance between the position information and **one or more** position values; and determining whether the distance is less than or equal to a threshold.

Albert, in the same field of endeavor, teaches wherein using position information comprises: evaluating a distance between the position information and **one or more** position values (Alberth discloses transaction Col. 2 lines 15-65); and determining whether the distance is less than or equal to a threshold (types of transactions, time of transactions, time between transactions, amount of transactions, Col. 4 lines 3-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hassett to provide the mobile communication devices for automatically selecting within range that authorize a transactions using a wireless device and data collection and exchange information for more efficiently and conveniently as taught by Albert. One would be motivated to

benefit to more mobile communication devices that could govern communication such as transactions payment without erroneously (Albert, page 1 lines 45-67).

Regarding claims 8 and 34, Hassett and Albert teach A method according to claim 7, Hassett further teaches wherein the one or more position values are predetermined (Hassett discloses calculated toll amount and account balance [0028]).

Regarding claims 9 and 35, Hassett and Albert teach the method according to claim 1, Hassett further teaches comprising performing a function responsive to the enabling [0028].

Regarding claims 10 and 36, Hassett and Albert teach the method according to claim 9, Hassett further teaches wherein the function comprises a financial transaction, receiving data and/or transmitting data (Hassett discloses calculated toll amount and account balance [0028]).

Regarding claims 11 and 37, Hassett and Albert teach the method according to claim 10, Hasset does not clearly teach wherein receiving data comprises receiving data selectively from a first unit and wherein transmitting data comprises transmitting data selectively to a second unit.

Albert, in the same field of endeavor, teaches wherein receiving data comprises receiving data selectively from a first unit and wherein transmitting data comprises

transmitting data selectively to a second unit (Alberth: Fig. 3 shows a device that is associated with other/third device).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hassett to provide the mobile communication devices for automatically selecting within range that authorize a transactions using a wireless device and data collection and exchange information for more efficiently and conveniently as taught by Albert. One would be motivated to benefit to more mobile communication devices that could govern communication such as transactions payment without erroneously (Albert, page 1 lines 45-67).

Regarding claims 12 and 38, Hassett and Albert teach the method according to claim 11, Hasset does not clearly teach wherein the first and second units are the same unit.

Albert, in the same field of endeavor, teaches wherein the first and second units are the same unit (Alberth: Col. 2 line 15 to Col. 3 line 36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hassett to provide the mobile communication devices for automatically selecting within range that authorize a transactions using a wireless device and data collection and exchange information for more efficiently and conveniently as taught by Albert. One would be motivated to benefit to more mobile communication devices that could govern communication such as transactions payment without erroneously (Albert, page 1 lines 45-67).

Regarding claims 13 and 39, Hassett and Albert teach the method according to claim 11, Hasset does not clearly teach wherein the first and second units are different units.

Albert, in the same field of endeavor, teaches wherein the first and second units are different units (Alberth: Col. 2 line 15 to Col. 3 line 36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hassett to provide the mobile communication devices for automatically selecting within range that authorize a transactions using a wireless device and data collection and exchange information for more efficiently and conveniently as taught by Albert. One would be motivated to benefit to more mobile communication devices that could govern communication such as transactions payment without erroneously (Albert, page 1 lines 45-67).

Regarding claims 14 and 40, Hassett and Albert teach the method according to claim 11, Hassett further discloses wherein the first **and/or** second units are predetermined (Hassett: Figs. 1-2 show a wireless device and the other device).

Regarding claims 15 and 41, Hassett and Albert teach the method according to claim 11, Hassett does not clearly teach wherein the first unit comprises a wireless communications device **and/or** the second unit comprises a wireless communications device.

Albert, in the same field of endeavor, teaches wherein the first unit comprises a wireless communications device **and/or** the second unit comprises a wireless communications device (Alberth: Col. 2 line 15 to Col. 3 line 36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hassett to provide the mobile communication devices for automatically selecting within range that authorize a transactions using a wireless device and data collection and exchange information for more efficiently and conveniently as taught by Albert. One would be motivated to benefit to more mobile communication devices that could govern communication such as transactions payment without erroneously (Albert, page 1 lines 45-67).

Regarding claims 16 and 42, Hassett and Albert teach the method according to claim 11, Hassett does not clearly teach wherein the first unit is associated with an Internet Protocol (IP) address **and/or** the second unit is associated with an IP address.

Albert, in the same field of endeavor, teaches wherein the first unit is associated with an Internet Protocol (IP) address (Alberth discloses internet capabilities, Col. 1 lines 30-45) **and/or** the second unit is associated with an IP address (Alberth discloses different protocols, Col. 1 lines 30-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hassett to provide the mobile communication devices for automatically selecting within range that authorize a transactions using a wireless device and data collection and exchange information for

more efficiently and conveniently as taught by Albert. One would be motivated to benefit to more mobile communication devices that could govern communication such as transactions payment without erroneously (Albert, page 1 lines 45-67).

Regarding claims 17 and 43, Hassett and Albert teach the method according to claim 10, Hassett does not clearly teach wherein receiving data comprises receiving a position, a request **and/or** an acknowledgement and wherein transmitting data comprises transmitting a position, an authorization and/or an acknowledgement.

Albert, in the same field of endeavor, teaches wherein receiving data comprises receiving a position, a request **and/or** an acknowledgement and wherein transmitting data comprises transmitting a position, an authorization and/or an acknowledgement (Alberth discloses authorization transaction, Col. 2, line 15 to Col. 3, line 36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hassett to provide the mobile communication devices for automatically selecting within range that authorize a transactions using a wireless device and data collection and exchange information for more efficiently and conveniently as taught by Albert. One would be motivated to benefit to more mobile communication devices that could govern communication such as transactions payment without erroneously (Albert, page 1 lines 45-67).

Regarding claims 18 and 44, Hassett and Albert teach the method according to claim 10, Hassett does not clearly teach wherein the financial transaction comprises

providing payment associated with a toll **and/or** providing payment associated with a purchase of **one or more** items.

Albert, in the same field of endeavor, teaches wherein the financial transaction comprises providing payment associated with a toll **and/or** providing payment associated with a purchase of **one or more** items (Alberth discloses authorization transaction, Col. 2 line 15 to Col. 3 line 36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hassett to provide the mobile communication devices for automatically selecting within range that authorize a transactions using a wireless device and data collection and exchange information for more efficiently and conveniently as taught by Albert. One would be motivated to benefit to more mobile communication devices that could govern communication such as transactions payment without erroneously (Albert, page 1 lines 45-67).

Regarding claims 19 and 45, Hassett and Albert teach the method according to claim 10, Hassett does not clearly teach wherein receiving data comprises receiving data once **or** repeatedly and wherein transmitting data comprises transmitting data once or repeatedly.

Albert, in the same field of endeavor, teaches wherein receiving data comprises receiving data once **or** repeatedly and wherein transmitting data comprises transmitting data once or repeatedly (Alberth discloses authorization transaction, Col. 2 line 15 to Col. 3 line 36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hassett to provide the mobile communication devices for automatically selecting within range that authorize a transactions using a wireless device and data collection and exchange information for more efficiently and conveniently as taught by Albert. One would be motivated to benefit to more mobile communication devices that could govern communication such as transactions payment without erroneously (Albert, page 1 lines 45-67).

Regarding claims 20 and 46, Hassett and Albert teach the method according to claim 1, Hassett does not clearly teach wherein the entity comprises a person, an animal, a building, a motor vehicle, a shopping cart, a product, a check-out counter, a geographic position, a geographic area **and/or one or more** locations in time **and/or** space.

Albert, in the same field of endeavor, teaches wherein the entity comprises a person, an animal, a building, a motor vehicle, a shopping cart, a product, a check-out counter, a geographic position, a geographic area **and/or one or more** locations in time **and/or** space (Col. 2 line 15 to Col. 3 line 36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hassett to provide the mobile communication devices for automatically selecting within range that authorize a transactions using a wireless device and data collection and exchange information for more efficiently and conveniently as taught by Albert. One would be motivated to

benefit to more mobile communication devices that could govern communication such as transactions payment without erroneously (Albert, page 1 lines 45-67).

Regarding claims 21 and 48, Hassett and Albert teach the method according to claim 1, Hassett does not clearly teach wherein enabling a mode comprises: selectively enabling a first communications mode comprising a first air interface protocol that uses a first set of frequencies to transmit/receive information based upon Orthogonal Frequency Division Multiplexing (OFDM) **and/or** Orthogonal Frequency Division Multiple Access (OFDMA).

Albert, in the same field of endeavor, teaches wherein enabling a mode comprises: selectively enabling a first communications mode comprising a first air interface protocol that uses a first set of frequencies to transmit/receive information based upon Orthogonal Frequency Division Multiplexing (OFDM) **and/or** Orthogonal Frequency Division Multiple Access (OFDMA) (Alberth discloses emerging technology behind, Col. 1 lines 30-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hassett to provide the mobile communication devices for automatically selecting within range that authorize a transactions using a wireless device and data collection and exchange information for more efficiently and conveniently as taught by Albert. One would be motivated to benefit to more mobile communication devices that could govern communication such as transactions payment without erroneously (Albert, page 1 lines 45-67).

Regarding claims 22 and 49, Hassett and Albert teach the method according to claim 21, Hassett does not clearly teach wherein the first air interface protocol is further based upon Time Division Duplex (TDD) operation wherein the first set of frequencies are used to transmit information over a first time interval and are also used to receive information over a second time interval.

Albert, in the same field of endeavor, teaches teach wherein the first air interface protocol is further based upon Time Division Duplex (TDD) operation wherein the first set of frequencies are used to transmit information over a first time interval and are also used to receive information over a second time interval (Alberth discloses time of transactions, Col. 4 lines 3-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hassett to provide the mobile communication devices for automatically selecting within range that authorize a transactions using a wireless device and data collection and exchange information for more efficiently and conveniently as taught by Albert. One would be motivated to benefit to more mobile communication devices that could govern communication such as transactions payment without erroneously (Albert, page 1 lines 45-67).

Regarding claims 23 and 50, Hassett and Albert teach the method according to claim 21, Hassett does not clearly teach wherein the first set of frequencies comprises licensed **and/or** un-licensed frequencies.

Albert, in the same field of endeavor, teaches wherein the first set of frequencies comprises licensed **and/or** un-licensed frequencies (Alberth discloses mobile commerce; Col. 1 lines 30-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hassett to provide the mobile communication devices for automatically selecting within range that authorize a transactions using a wireless device and data collection and exchange information for more efficiently and conveniently as taught by Albert. One would be motivated to benefit to more mobile communication devices that could govern communication such as transactions payment without erroneously (Albert, page 1 lines 45-67).

Regarding claims 24 and 51, Hassett and Albert teach the method according to claim 21, Hassett does not clearly teach comprising: selectively disabling a second communications mode comprising a second air interface protocol that uses a second set of frequencies to transmit/receive information.

Albert, in the same field of endeavor, teaches selectively disabling a second communications mode comprising a second air interface protocol that uses a second set of frequencies to transmit/receive information (Alberth discloses transmit/receive, Col. 2 line 15 Col. 3 line 35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hassett to provide the mobile communication devices for automatically selecting within range that authorize a

transactions using a wireless device and data collection and exchange information for more efficiently and conveniently as taught by Albert. One would be motivated to benefit to more mobile communication devices that could govern communication such as transactions payment without erroneously (Albert, page 1 lines 45-67).

Regarding claims 25 and 52, Hassett and Albert teach the method according to claim 24, Hassett does not clearly teach wherein the second air interface differs from the first air interface and/or the second set of frequencies differs, in at least one frequency, from the first set of frequencies.

Albert, in the same field of endeavor, teaches wherein the second air interface differs from the first air interface **and/or** the second set of frequencies differs, in at least one frequency, from the first set of frequencies (Alberth discloses mobile commerce and different protocols, Col. 1 line 30-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hassett to provide the mobile communication devices for automatically selecting within range that authorize a transactions using a wireless device and data collection and exchange information for more efficiently and conveniently as taught by Albert. One would be motivated to benefit to more mobile communication devices that could govern communication such as transactions payment without erroneously (Albert, page 1 lines 45-67).

4. **Claim 54 e rejected under 35 U.S.C. 103(a) as being unpatentable over Alberth et al (US 7,822,644) in view of Hassett (US 2006/0145893)**

Regarding claim 54, Alberth teaches a system (Alberth: discloses a wireless system, Col. 2 lines 5-20) comprising:

a mobile subscriber device (Alberth: Fig. 2 shows a mobile communication device #202, and/or #204);

a detector (Alberth: Fig. 2 shows a detection module #222) coupled to the mobile subscriber device wherein the detector is configured to enable a function of the mobile subscriber device responsive to a detection that a proximity criterion **is** satisfied between the mobile subscriber device (Alberth: Fig. 3 shows a first mobile communication device #302, and a second mobile communication device #304 configured to detect the between devices) and an entity (Fig. 3 shows an unrelated third communication device #306 reads on an entity that detected and established the connection and transaction as defined one of the following by a person, a building, things, etc.) by a person, a building, a motor vehicle, a shopping cart, a product on sale, a check-out counter, a geographic position, a geographic area, or a geographic area or geographic position combined with a predetermined time frame, wherein the mobile subscriber device and a second mobile subscriber device form a part of a communication system providing communications service to the mobile subscriber device and the second mobile subscriber device (Alberth discloses a system that provide the communications service between the first and the second device, and other entity, Col. 2 line 35 to Col. 3 line 35, and Col. 6 lines 7-44);

Alberth does not clearly teach wherein the second mobile subscriber device is independent of the entity and wherein the entity is independent of the communications service provided to the mobile subscriber device and second mobile subscriber device.

Hassett, in the same field of endeavor, teaches wherein the second mobile subscriber device is independent of the entity and wherein the entity is independent of the communications service provided to the mobile subscriber device and second mobile subscriber device (Hassett: Figs. 1-2 show where the second device is independently).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Alberth to enhance a system for vehicle toll collection and for automatic, non-contact, and high speed collection of vehicular tolls for increasing throughput, increasing highway traffic and are susceptible to fraud, through the use of counterfeit coins as taught by Hassett. One would be motivated to benefit to prevent traffic congestion, economic cost, lost time and/or accidents at toll plazas (Hassett, page 1, paragraph [0004-0005]).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ramsdale (US 2008/0167966) teaches pre-authorizing the cashless transaction on the basis of first identification; determining, a second identification from a second identification device.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VU whose telephone number is (571)272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MICHAEL T VU/
Examiner, Art Unit 2617

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617

Notice of References Cited	Application/Control No. 12/264,711	Applicant(s)/Patent Under Reexamination KARABINIS ET AL.	
	Examiner MICHAEL VU	Art Unit 2617	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-7,822,644	10-2010	Alberth et al.	705/26.41
*	B	US-2006/0145893	07-2006	Hassett, John J.	340/928
*	C	US-2008/0167966	07-2008	Ramsdale et al.	705/18
	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.

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	Art Unit
	MICHAEL VU	2617

✓	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	09/19/2011								
	1	✓								
	2	✓								
	3	✓								
	4	✓								
	5	✓								
	6	✓								
	7	✓								
	8	✓								
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	34	✓								
	35	✓								
	36	✓								

IPR2025-01239
Apple EX1044 Page 96

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	Art Unit
	MICHAEL VU	2617

✓	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	09/19/2011								
	37	✓								
	38	✓								
	39	✓								
	40	✓								
	41	✓								
	42	✓								
	43	✓								
	44	✓								
	45	✓								
	46	✓								
	47	✓								
	48	✓								
	49	✓								
	50	✓								
	51	✓								
	52	✓								
	53	✓								
	54	✓								

PTO/SB/08a (07-09)
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(**Not for submission under 37 CFR 1.99)**

Application Number	12264711
Filing Date	2008-11-04
First Named Inventor	KARABINIS ET AL.
Art Unit	2617
Examiner Name	DWAYNE D. BOST
Attorney Docket Number	8382-3

U.S.PATENTS

Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1					

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U.S.PATENT APPLICATION PUBLICATIONS

Examiner Initial*	Cite No	Publication Number	Kind Code[1]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	20040030601	A1	2004-02-12	POND ET AL.	
	2	20060009234	A1	2006-01-12	FREER	
	3	20070167147	A1	2007-07-19	KRASNER ET AL.	
	4	20070285280	A1	2007-12-13	ROBINSON ET AL.	

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FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2] i	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]

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IPR2025-01289
Apple EX1044 Page 98

Receipt date: 03/17/2010	Application Number	12264711	12264711 - GAU: 2617
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (**Not for submission under 37 CFR 1.99)**	Filing Date	2008-11-04	
	First Named Inventor	KARABINIS ET AL.	
	Art Unit	2617	
	Examiner Name	DWAYNE D. BOST	
	Attorney Docket Number	8382-3	

	1							☐

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NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]
	1	PATENT COOPERATION TREATY, "International Search Report and Written Opinion", ISA/US, by Officer Lee W. young, in PCT Application No. PCT/US09/062792, Document of 8 pages dated December 23, 2009.	☐

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EXAMINER SIGNATURE

Examiner Signature	/Michael Vu/	Date Considered	09/19/2011

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

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IPR2025-01239
Apple EX1044 Page 99

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	339	karabinis near2 peter.in.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/19 15:59
L3	466	time-of-day and velocity and entity	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/19 16:00
L4	5	1 and 3	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/19 16:00
S1	1	12/264711	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 11:14
S2	1	12/264711 and "16"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 11:30
S3	1	12/264711 and entity	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 11:32
S4	15	financial near transaction same payment near3 toll	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 11:52
S5	8905	455/456.1-456.6.ccls.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:01
S6	2466044	first same second same (mobile pda cell cellular portable phone device)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:02
S8	9883	first same second same (mobile pda cell cellular portable phone device) same entity	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:03

S10	222	S5 and S8	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:04
S12	3555	entity same (detect$3 associat$4) same first same second same (mobile pda cell cellular portable phone device)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:05
S13	88	S5 and S12	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:05
S14	87	entity same (detect$3 associat$4) same first same second same (mobile pda cell cellular portable phone device) and (position location) same velocity same time	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:10
S15	5	S5 and S14	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:10
S16	1	entity same (detect$3 associat$4) same first same second same (mobile pda cell cellular portable phone device) and (position location) same velocity and time-of-day	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:16
S17	286	(detect$3 associat$4) same first same second same (mobile pda cell cellular portable phone device) and (position location) and pay$6 near2 toll	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:18
S18	4	S5 and S17	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:18
S19	275	first near4 (mobile pda cell cellular portable phone device) same second near4 (mobile pda cell cellular portable phone device) and pay$6 near2 toll	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:20
S20	9	S5 and S19	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:20
S21	411	(payment toll) same (master slave) same (phone portable mobile cell cellular pda)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:31
S22	2	S5 and S21	US-PGPUB; USPAT; USOCR; EPO; JPO;	OR	OFF	2011/09/13 12:31

			DERWENT			
S24	55	(pay$4 near2 toll) same (first master) same (second slave) same (phone portable mobile cell cellular pda device)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:42

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BIB DATA SHEET

CONFIRMATION NO. 1684

SERIAL NUMBER	FILING or 371(c) DATE RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
12/264,711	11/04/2008	455	2617	8382-3

APPLICANTS

PETER D. KARABINIS, Reston, VA;
Rajendra Singh, Indian Creek Village, FL;

**** CONTINUING DATA ***************************

**** FOREIGN APPLICATIONS ***************************

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED **** ** SMALL ENTITY **
11/18/2008

Foreign Priority claimed ☐ Yes ☑ No 35 USC 119(a-d) conditions met ☐ Yes ☑ No Verified and Acknowledged /MICHAEL T VU/ Examiner's Signature	☐ Met after Allowance Initials	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
		VA	3	54	4

ADDRESS

Guntin Meles & Gust, PLC
304 Indian Trace, #750
Weston, FL 33326
UNITED STATES

TITLE

MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION

FILING FEE RECEIVED		
1456	FEES: Authority has been given in Paper No._____ to charge/credit DEPOSIT ACCOUNT No._____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(**Not for submission under 37 CFR 1.99)**

Application Number	
Filing Date	
First Named Inventor	KARABINIS ET AL.
Art Unit	
Examiner Name	
Attorney Docket Number	8382-3

U.S.PATENTS

Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	6769607	B1	2004-08-03	PITRODA ET AL.	
	2	7028897	B2	2006-04-18	FERNANDES ET AL.	
	3	7133659	B2	2006-11-07	ZALEWSKI ET AL.	
	4	7155199	B2	2006-12-26	ZALEWSKI ET AL.	
	5	RE39736	E	2007-04-17	MORRILL, JR.	

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IPR2025-01289
Apple EX1044 Page 104

Receipt date: 11/04/2008	Application Number	12264711 - GAU: 2617
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (**Not for submission under 37 CFR 1.99)**	Filing Date	
	First Named Inventor	KARABINIS ET AL.
	Art Unit	
	Examiner Name	
	Attorney Docket Number	8382-3

Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2] ¡	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]
	1							☐

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NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]
	1		☐

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EXAMINER SIGNATURE

Examiner Signature	/Michael Vu/	Date Considered	09/19/2011

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /M.V./

IPR2025-01239
Apple EX1044 Page 105

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	Art Unit
	MICHAEL VU	2617

SEARCHED			
Class	Subclass	Date	Examiner
455	456.1-456.5, 426.1, 705	9/19/2011	MTV
	See Searched History	9/19/2011	MTV

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor Name: Karabinis Peter	9/19/2011	MTV
Assignee: Telcom Ventures, Inc.	9/19/2011	MTV
Double Patent Checked	9/19/2011	MTV
EAST Search System	9/19/2011	MTV

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

IPR2025-01239
Apple EX1044 Page 106

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number:	12/264,711
Filing Date:	November 4, 2008
Examiner Name:	Michael Vu
Group Art Unit:	2617
Confirmation Number:	1684
Docket Number:	8382-3
First Named Inventor:	Karabinis *et al*.
Title of Invention:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION

RESPONSE TO NON-FINAL OFFICE ACTION

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

Sir:

These amendments and remarks are filed in response to the Non-Final Office Action mailed October 5, 2011. Please amend the above-identified application as follows:

Amendments to the Claims begin on page **2** of this submission;

Remarks/Arguments begin on page **11** of this submission.

Remarks

These remarks are submitted in response to the Non-Final Office Action of October 5, 2011. At the time of the Office Action, claims 1-54 were pending. Amendments have been made to claims 1-3, 6, 8, 10, 26, 32, and 52 in the present Office Action. No new matter has been added.

I. Claim Rejections Under 35 U.S.C § 103

Claims 1-53 were rejected under 35 U.S.C §103(a) as being unpatentable over U.S. Patent Application published under No. 2006/0145893 to Hassett (hereinafter 'Hassett') in view of U.S. Patent No. 7,822,644 to Alberth *et al.* (hereinafter 'Alberth'). With respect to claim 1, the cited portions of Hassett and Alberth fail to disclose or suggest a method comprising enabling a mode of the first device and enabling a mode of a second device responsive to the detecting and responsive to a value that is associated with at least one of a position, velocity, and a Time-of-Day being satisfied by the first device. Support for the amendments can be found in the specification including, but not limited to paragraph 21 (emphasis added):

> {00021} The wireless communications device may be configured to keep the pay toll function enabled for as long as the wireless communications device is able to sense the signal that is being radiated by the low-power radiator (i.e., the signal that includes an identity of the motor vehicle) and to selectively disable the pay toll function a short time after the wireless communications device is no longer able to sense the signal that is being radiated by the low-power radiator. In further embodiments, the wireless communications device may be configured to keep the pay toll function enabled as long as the wireless communications device is able to sense the signal that is being radiated by the low-power radiator and a specific value (or values) associated with at least one of a velocity of the motor vehicle, an acceleration of the motor vehicle, a position of the motor vehicle, a ToD, a ToM, a ToY and a content of the motor vehicle is/are being met/satisfied.

The cited portions of Hassett at paragraphs 86, 200 and 211 disclose:

[0086] Referring again to **FIG. 11**, the transponder **228** of vehicle **212** is inactive as it approaches the antenna field **226** of transmitting unit **218**. As the vehicle enters field **226**, the early warning signal detection unit **278**, places the processor **270** in active mode and the transponder begins processing the received signals.

[0200] The TTM central processor **140** can be a conventional microcomputer or minicomputer, depending upon the size and data-handling requirements of the automated toll system. The central processor is interconnected with the reader units **24** in each automated lane, to gather toll collection data including vehicle-class-identifiers, transaction time, and lane-by-lane traffic activity information. Where required, remote communication between the reader units and TTM central processor can be provided by modems or other data communications devices.

[0211] Each of the TTM Records described above contains selected information relating to toll transactions. Data fields utilized in one practice of the invention are set forth below, by way of example. Those skilled in the art will recognize that the invention can be practiced with data fields other than those set forth below. In each case, data can be transferred to the TTM on a real-time basis as fixed format ASCII records. Each record is terminated by a carriage return/line feed sequence and commences with a "record type" indicator. Whenever a date is required, fields can be date and time stamped in a year-month-day-hour-minute-second format.

The cited portions above describe placing a processor 270 (of FIG. 11) in an active mode as the vehicle enters an antenna field 226 and where the transponder begins processing received signals from paragraph 86, reader units that gather toll collection data including lane-by-lane traffic activity from paragraph 200, and a field that can be time stamped from paragraph 211. However, the cited portions above fail to disclose or suggest enabling a mode of the first device and enabling a mode of a second device responsive to the detecting and responsive to a value that is associated with at least one of a position, velocity, and a Time-of-Day being satisfied by the first device.

On page 3, the Office concedes that Hassett fails to disclose that the second device is not the entity and is not associated with the entity and wherein the the entity is not involved in providing a communication service the first or second device. The Office relies on Col. 2, line 35 through Col. 3, line 36, Col. 5, line 3 to Col. 6, line 67 and FIGs. 2-3of Alberth to overcome the conceded deficiency of Hassett. However, the cited portions of Alberth fail to disclose or

suggest enabling a mode of the first device and enabling a mode of a second device responsive to the detecting and responsive to a value that is associated with at least one of a position, velocity, and a Time-of-Day being satisfied by the first device. Thus, Alberth continues to fail to overcome the deficiencies of Hassett. Accordingly, Hassett and Alberth fail to render claim 1 obvious and therefore claim 1 is allowable. Claims 2-25 are allowable as being dependent on an allowable base claim.

With respect to claim 3, Hassett and Alberth fail to disclose or suggest a method where the enabling is performed by the first device, by the second device, by a device that is associated with the entity, and by a system that is associated with the first and second device. With respect to claim 6, Hassett and Alberth fail to disclose or suggest a method where the detecting comprising using position information associated with the first device, using position information associated with the second device, detecting a signal that is being radiated by the first device, detecting a signal that is being radiated by the second device, and detecting a signal that is being radiated by a device that is associated with the entity. With respect to claim 21, the cited portion at col. 1, lines 30-45 describing that the "emerging technology behind m-commerce may transform the mobile communication" fails to disclose or suggest selectively enabling a first communications mode comprising a first air interface protocol that uses a first set of frequencies to transmit/receive information based upon Orthogonal Frequency Division Multiplexing (OFDM) and/or Orthogonal Frequency Division Multiple Access (OFDMA) as recited in claim 21.

With respect to claim 26, the cited portions of Hassett and Alberth fail to disclose or suggest a system comprising a detector that is configured to enable a mode of a first device and to enable a mode of a second device responsive to a detection that a proximity criterion is satisfied between the first device and an entity and responsive to at least one of a position, velocity and a Time-of-Day. The cited portions of Hassett describe placing a processor in an active mode as the vehicle enters an antenna field which is not equivalent to enabling a mode of the first device and enabling a mode of a second device responsive to the detecting and responsive to a value that is associated with at least one of a position, velocity, and a Time-of-Day being satisfied by the first device. The Office relies on portions of Alberth to overcome certain conceded deficiencies of Hassett as explained above, but the cited portions of Alberth fail

to disclose or suggest enabling a mode of the first device and enabling a mode of a second device Accordingly, Hassett and Alberth fail to render claim 26 obvious and therefore claim 26 is allowable. Claims 27-52 are allowable as being dependent on an allowable base claim.

With respect to claim 53, the cited portions of Hassett and Alberth fail to disclose or suggest a method comprising enabling a mode of the first device and a mode of a second device responsive to detecting satisfaction of the proximity criterion and while the proximity criterion is satisfied. The cited portions of Hassett describe placing a processor in an active mode as the vehicle enters an antenna field which is not the same as enabling a mode of the first device and enabling a mode of a second device. Alberth is relied upon to overcome other deficiencies of Hassett as explained above, but the cited portions of Alberth fail to disclose or suggest enabling a mode of the first device and enabling a mode of a second device. Accordingly, Hassett and Alberth fail to render claim 53 obvious and therefore claim 53 is allowable.

Claim 54 was rejected under 35 U.S.C §103(a) as being unpatentable over Alberth in view of Hassett. The cited portions of Alberth and Hassett fail to disclose or suggest a system comprising a mobile subscriber device and a detector coupled to the mobile subscriber device where the detector is configured to enable a fuction of the mobile subscriber device and to enable a function of a second mobile subscriber device responsive to a detection that a proximity criterion is satisfied between the mobile subscriber device and an entity. Accordingly, Alberth and Hassett fail to render claim 54 obvious and therefore claim 54 is allowable.

Applicants do not necessarily agree with the interpretation by the Office of the cited references to Hassett and Alberth as applied to all the claims and therefore reserve the right to address issues relating thereto in the future. However, as each of the independent Claims is believed to now be in condition of allowance, Applicants will not address such issues at this time.

Conclusion

This application is in condition for allowance, which action is respectfully requested. It is respectfully requested that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion. Please charge any deficiencies or credit any overpayment to Deposit Account No. 50-5199.

Respectfully submitted,

/Pablo Meles/

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Telephone: 954-389-4846

Electronic Acknowledgement Receipt

EFS ID:	11772348
Application Number:	12264711
International Application Number:	
Confirmation Number:	1684
Title of Invention:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION
First Named Inventor/Applicant Name:	PETER D. KARABINIS
Customer Number:	92382
Filer:	Pablo Meles
Filer Authorized By:	
Attorney Docket Number:	8382-3
Receipt Date:	05-JAN-2012
Filing Date:	04-NOV-2008
Time Stamp:	23:25:14
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		8382-3_NFOAR.pdf	226953 668452aa55db4c3ce8ba426bfe98ed55fae7604c	yes	15

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	10
	Applicant Arguments/Remarks Made in an Amendment	11	15
Warnings:			
Information:			
	Total Files Size (in bytes):	226953	

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

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

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

Amendments to the Claims:

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

Listing of Claims:

1. (Currently Amended) A method comprising:

detecting that a proximity criterion is satisfied between a first device and an entity; and

enabling a mode of the first device and~~/or~~ a mode of a second device responsive to the detecting and responsive to a value that is associated with at least one of a position, velocity and a Time-of-Day being satisfied by the first device;

wherein the second device is not the entity and is not associated with the entity, and wherein the entity is not involved in providing a communications service to the first and/or second device.

2. (Currently Amended) The method according to Claim 1, wherein the detecting is performed by the first device, by the second device, by a device that is associated with the entity ~~and/~~or by a system that is associated with the first and/or second devices.

3. (Currently Amended) The method according to Claim 1, wherein the enabling is performed by the first device, by the second device, by a device that is associated with the entity and~~/or~~ by a system that is associated with the first and~~/or~~ second devices.

4. (Original) The method according to Claim 1, wherein the first device comprises a wireless communications device and/or the second device comprises a wireless communications device.

5. (Original) The method according to Claim 2, wherein the system comprises a wireless communications system.

6. (Currently Amended) The method according to Claim 1, wherein detecting comprises:

using position information associated with the first device;

using position information associated with the second device;

detecting a signal that is being radiated by the first device;

detecting a signal that is being radiated by the second device; and~~/or~~

detecting a signal that is being radiated by a device that is associated with the entity.

7. (Original) The method according to Claim 6, wherein using position information comprises:

evaluating a distance between the position information and one or more position values; and

determining whether the distance is less than or equal to a threshold.

8. (Currently Amended) ~~A~~ The method according to Claim 7, wherein the one or more position values are predetermined.

9. (Original) The method according to Claim 1, further comprising performing a function responsive to the enabling.

10. (Currently Amended) The method according to Claim 9, wherein the function comprises a financial transaction, receiving data ~~and/~~or transmitting data.

11. (Original) The method according to Claim 10, wherein receiving data comprises receiving data selectively from a first unit and wherein transmitting data comprises transmitting data selectively to a second unit.

12. (Original) The method according to Claim 11, wherein the first and second units are the same unit.

13. (Original) The method according to Claim 11, wherein the first and second units are different units.

14. (Original) The method according to Claim 11, wherein the first and/or second units are predetermined.

15. (Original) The method according to Claim 11, wherein the first unit comprises a wireless communications device and/or the second unit comprises a wireless communications device.

16. (Original) The method according to Claim 11, wherein the first unit is associated with an Internet Protocol (IP) address and/or the second unit is associated with an IP address.

17. (Original) The method according to Claim 10, wherein receiving data comprises receiving a position, a request and/or an acknowledgement and wherein transmitting data comprises transmitting a position, an authorization and/or an acknowledgement.

18. (Original) The method according to Claim 10, wherein the financial transaction comprises providing payment associated with a toll and/or providing payment associated with a purchase of one or more items.

19. (Original) The method according to Claim 10, wherein receiving data comprises receiving data once or repeatedly and wherein transmitting data comprises transmitting data once or repeatedly.

20. (Original) The method according to Claim 1, wherein the entity comprises a person, an animal, a building, a motor vehicle, a shopping cart, a product, a check-out counter, a geographic position, a geographic area and/or one or more locations in time and/or space.

21. (Original) The method according to Claim 1, wherein enabling a mode comprises:

selectively enabling a first communications mode comprising a first air interface protocol that uses a first set of frequencies to transmit/receive information based upon Orthogonal Frequency Division Multiplexing (OFDM) and/or Orthogonal Frequency Division Multiple Access (OFDMA).

22. (Original) The method according to Claim 21, wherein the first air interface protocol is further based upon Time Division Duplex (TDD) operation wherein the first set of frequencies are used to transmit information over a first time interval and are also used to receive information over a second time interval.

23. (Original) The method according to Claim 21, wherein the first set of frequencies comprises licensed and/or un-licensed frequencies.

24. (Original) The method according to Claim 21, further comprising:

selectively disabling a second communications mode comprising a second air interface protocol that uses a second set of frequencies to transmit/receive information.

25. (Original) The method according to Claim 24, wherein the second air interface differs from the first air interface and/or the second set of frequencies differs, in at least one frequency, from the first set of frequencies.

26. (Currently Amended) A system comprising:

a detector that is configured to enable a mode of a first device and~~/or~~ to enable a mode of a second device responsive to a detection that a proximity criterion is satisfied between the first device and an entity and responsive to at least one of a position, velocity and a Time-of-Day;

wherein the second device is not the entity and is not associated with the entity, and wherein the entity is not involved in providing a communications service to the first and/or second device.

27. (Original) The system according to Claim 26, wherein the detection is performed by the first device, by the second device, by a device that is associated with the entity and/or by a system that is associated with the first and/or second devices.

28. (Original) The system according to Claim 26, wherein the mode is enabled by the first device, by the second device, by a device that is associated with the entity and/or by a system that is associated with the first and/or second devices.

29. (Original) The system according to Claim 26, wherein the first device comprises a wireless communications device and/or the second device comprises a wireless communications device.

30. (Original) The system according to Claim 27, wherein the system comprises a wireless communications system.

31. (Original) The system according to Claim 28, wherein the system comprises a wireless communications system.

32. (Currently Amended) The system according to Claim 26, wherein the detection comprises:

use of position information associated with the first device;

use of position information associated with the second device;

a detection of a signal that is being radiated by the first device;

a detection of a signal that is being radiated by the second device; and/~~or~~

a detection of a signal that is being radiated by a device that is associated with the entity.

33. (Original) The system according to Claim 32, wherein use of position information comprises:

an evaluation of a distance between the position information and one or more position values; and

a determination of whether the distance is less than or equal to a threshold.

34. (Original) The system according to Claim 33, wherein the one or more position values are predetermined.

35. (Original) The system according to Claim 26, wherein the first device and/or the second device is/are configured to perform a function responsive to the mode having been enabled by the detector.

36. (Original) The system according to Claim 35, wherein the function comprises a financial transaction, reception of data and/or transmission of data.

37. (Original) The system according to Claim 36, wherein reception of data comprises reception of data selectively from a first unit and wherein transmission of data comprises transmission of data selectively to a second unit.

38. (Original) The system according to Claim 37, wherein the first and second units are the same unit.

39. (Original) The system according to Claim 37, wherein the first and second units are different units.

40. (Original) The system according to Claim 37, wherein the first and/or second units are predetermined.

41. (Original) The system according to Claim 37, wherein the first unit comprises a wireless communications device and/or the second unit comprises a wireless communications device.

42. (Original) The system according to Claim 37, wherein the first unit is associated with an Internet Protocol (IP) address and/or the second unit is associated with an IP address.

43. (Original) The system according to Claim 36, wherein receiving data comprises receiving a position, a request and/or an acknowledgement and wherein transmitting data comprises transmitting a position, an authorization and/or an acknowledgement.

44. (Original) The system according to Claim 36, wherein the financial transaction comprises a payment of a toll and/or a payment associated with a purchase of one or more items.

45. (Original) The system according to Claim 37, wherein the reception of data comprises reception of data once or repeatedly and wherein the transmission of data comprises transmission of data once or repeatedly.

46. (Original) The system according to Claim 26, wherein the entity comprises a person, an animal, a building, a motor vehicle, a shopping cart, a product that is on sale, a check-out counter, a geographic position, a geographic area and/or one or more locations in time and/or space.

47. (Original) The system according to Claim 27, further comprising the first device, the second device, the entity, the device that is associated with the entity and/or the system that is associated with the first and/or second devices.

48. (Original) The system according to Claim 26, wherein the detector is further configured to selectively enable a first communications mode comprising a first air interface protocol that uses a first set of frequencies to transmit/receive information based upon Orthogonal Frequency Division Multiplexing (OFDM) and/or Orthogonal Frequency Division Multiple Access (OFDMA).

49. (Original) The system according to Claim 48, wherein the first air interface protocol is further based upon Time Division Duplex (TDD) operation wherein the first set of frequencies are used to transmit information over a first time interval and are also used to receive information over a second time interval.

50. (Original) The system according to Claim 48, wherein the first set of frequencies comprises licensed and/or un-licensed frequencies.

51. (Original) The system according to Claim 48, wherein the detector is further configured to selectively disable a second communications mode comprising a second air interface protocol that uses a second set of frequencies to transmit/receive information.

52. (Currently Amended) The system according to Claim 51, wherein the second air interface differs from the first air interface and~~/or~~ the second set of frequencies differs, in at least one frequency, from the first set of frequencies.

53. (Original) A method comprising:

detecting that a proximity criterion is satisfied between a first device and an entity; and

enabling a mode of the first device ~~or~~ and a mode of a second device responsive to detecting satisfaction of the proximity criterion and while the proximity criterion is satisfied, wherein the first device and the second device form a part of a communication system providing communications service to the first device and the second device;

wherein the second device is independent of the entity and wherein the entity is independent of the communications service provided to the first and second device.

54. (Original) A system comprising:

a mobile subscriber device;

a detector coupled to the mobile subscriber device wherein the detector is configured to enable a function of the mobile subscriber device and to enable a function of a second mobile subscriber device responsive to a detection that a proximity criterion is satisfied between the mobile subscriber device and an entity defined by a person, an animal, a building, a motor vehicle, a shopping cart, a product on sale, a check-out counter, a geographic position, a geographic area, or a geographic area or geographic position combined with a predetermined time frame, wherein the mobile subscriber device and ~~a~~ the second mobile subscriber device form a part of a communication system providing communications service to the mobile subscriber device and the second mobile subscriber device;

wherein the second mobile subscriber device is independent of the entity and wherein the entity is independent of the communications service provided to the mobile subscriber device and second mobile subscriber device.

PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	☐ To be Mailed
12/264,711	11/04/2008	

APPLICATION AS FILED – PART I

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

APPLICATION AS AMENDED – PART II

AMENDMENT 01/05/2012	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 54	Minus	** 54	= 0	X $30 =	0	OR	X $ =	
Independent (37 CFR 1.16(h))	* 4	Minus	***4	= 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	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) 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	

* 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:
/ANITA JOHNSON/

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.
12/264,711	11/04/2008	PETER D. KARABINIS	8382-3	1684

92382 7590 03/05/2012

Guntin Meles & Gust, PLC
304 Indian Trace, #750
Weston, FL 33326

EXAMINER	
VU, MICHAEL T	
ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
03/05/2012	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):

docketing@gmgip.com

Office Action Summary	Application No.	Applicant(s)	
	12/264,711	KARABINIS ET AL.	
	Examiner	Art Unit	
	MICHAEL VU	2617	

-- 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 *05 January 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) *1-54* 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) *1-54* is/are rejected.

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

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

Application Papers

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

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

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

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

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

Priority under 35 U.S.C. § 119

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

a)☐ All b)☐ Some * c)☐ None of:

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

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

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

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

Attachment(s)

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

IPR2025-01239
Apple EX1044 Page 126

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-54 have been considered but are moot in view of the new ground(s) of rejection.

2. Applicant amended claims 1-3, 6, 10, 26, 32, 53 and 54.

Claim Rejections - 35 USC § 103

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

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

4. **Claims 1-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hassett (US 2006/0145893) in view of Alberth et al (US 7,822,644), and further in view of Sutter et al (US 7,912,629).**

Regarding claims 1, 26, 53 and 54, Hassett teaches a toll road method and system, paragraphs [0024-0025] comprising:

detecting that a proximity criterion is satisfied between a first device (Fig. 11 shows the vehicle's transceivers for tolls) and an entity (Fig. 11 shows toll booth's transceivers); and enabling a mode of the first device (Fig. 11, vehicle's transceivers)

and a mode of a second device responsive to detecting (second device is cellular phone [0070]) and responsive a value that is associated with **at least one** of a position, velocity and a Time-of-Day being satisfied by the first device; wherein the second device is not the entity and is not associated with the entity (note that the cell phone is NOT a toll booth transceiver AND that they are not associated with each other UNTIL the vehicle's toll booth transceiver senses the toll booth transceiver) and wherein the entity is not involved in providing a communications service to the first and/or second device, transmit/receive signals between vehicle and toll booth transceivers, see paragraphs [0056-0061]).

Hassett does not explicitly teach detecting a proximity criterion between a first device and a second device.

Alberth, in the same field of endeavor, teaches detecting a proximity criterion between a first device and a second device is satisfied (col. 4, lines 3-24). Alberth teaches automatically detecting presence between these two devices (for a toll booth application), setup a communication link between the two for preauthorized payment which speed processing or payment and makes it automatic instead of manual (col. 1, lines 45-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hassett, with Alberth's teaching, in order to use detecting of proximity between devices as a means for automatically setting up a communication link to pay for goods or services such as a traffic toll.

Hassett and Alberth do not clearly teach a value that is associated with **at least one** of a position, velocity and a Time-of-Day being satisfied by the first device.

Sutter, in the same field of endeavor, teaches a value that is associated with at least one of a position, velocity and a Time-of-Day being satisfied by the first device (col. 19, line 41 to col. 16, line 3, note that a toll road, toll booth, toll station and/or the location based/time based, col. 2, lines 29-32, Sutter further teaches a value which is a position/velocity/ Time-of-Day and teaches a value such as receipt indicating the value such as deducted $1.00 from the user's account and electronic receipt includes the minutes/times which is read on Time-of-Day).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hassett and Alberth, with Sutter's teaching of using a position, velocity and a Time-of-Day to aid in detecting proximity between a first device and a second device, in order to keep track of actual information being used to deduct charges to a user's account for avoiding slowdown during traffic flows in automatic toll collection systems.

Regarding claims 2 and 27, Hassett, Alberth and Sutter teach the method according to claim 1, Hassett and Sutter do not clearly teach wherein the detecting is performed by the first device, by the second device, by a device that is associated with the entity **or** by a system that is associated with the first **and/or** second devices.

However, Alberth teaches wherein the detecting is performed by the first device (Fig. 3 shows detecting by the first device, col. 6, lines 7-58), by the second device (Fig.

3 shows detecting by the second device, col. 6, lines 7-58), by a device that is associated with the entity and/or by a system that is associated with the first and/or second devices (Fig. 3 shows a device that is associated with other/third device, col. 6, lines 7-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hassett and Sutter, with Alberth's teaching, such that detecting is performed by the first device, by the second device, by a device that is associated with the entity, to provide means for the two devices to auto detect each other and automatically setup a communication link to pay for goods or services such as a traffic toll.

Regarding claims 3, 28 and 47, Hassett, Alberth and Sutter teach the method according to claim 1, Hassett and Sutter do not clearly teach wherein the enabling is performed by the first device, by the second device, by a device that is associated with the entity and by a system that is associated with the first and/or second devices.

Alberth, in the same field of endeavor, teaches wherein the enabling is performed by the first device (Fig. 3 shows detecting by the first device, col. 6, lines 7-58), by the second device (Fig. 3 shows detecting by the second device, col. 6, lines 7-58), by a device that is associated with the entity and by a system that is associated with the first and/or second devices (Fig. 3 shows a device that is associated with other/third device, col. 6, lines 7-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hassett and Sutter, with Alberth's teaching, such that detecting is performed by the first device, by the second device, by a device that is associated with the entity, to provide means for the two devices to auto detect each other and automatically setup a communication link to pay for goods or services such as a traffic toll.

Regarding claims 4 and 29, Hassett, Alberth and Sutter teach the method according to claim 1, Hassett further teaches wherein the first device comprises a wireless communications device **and/or** the second device comprises a wireless communications device (Hassett: Figs. 1-2 show a wireless device and the other device, col. 5, lines 9-46).

Regarding claims 5, and 30-31, Hassett, Alberth and Sutter teach the method according to claim 2, Hattsett further teaches wherein the system comprises a wireless communications system (Hassett: Figs. 1-2).

Regarding claims 6 and 32, the combination of Hassett, Alberth and Sutter teach the method according to claim 1, Hassett and Sutter do not clearly teach wherein detecting comprises: using position information associated with the first device; using position information associated with the second device; detecting a signal that is being radiated by the first device; detecting a signal that is being radiated by the second

device; **and** detecting a signal that is being radiated by a device that is associated with the entity.

Alberth, in the same field of endeavor, teaches wherein detecting comprises: using position information associated with the first device (col. 2 line 35 to col 3 line 36); using position information associated with the second device (col. 2 line 35 to col 3 line 36); detecting a signal that is being radiated by the first device (col. 5 line 3 to col. 6 line 44); detecting a signal that is being radiated by the second device (col. 6, lines 7-58); **and/or** detecting a signal that is being radiated by a device that is associated with the entity (col. 6, lines 7-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hassett and Sutter, with Alberth's teaching, such that detecting is performed by the first device, by the second device, by a device that is associated with the entity, to provide means for the two devices to auto detect each other and automatically setup a communication link to pay for goods or services such as a traffic toll.

Regarding claims 7 and 33, Hassett, Alberth and Sutter teach the method according to claim 6, Hassett and Sutter do not clearly teach wherein using position information comprises: evaluating a distance between the position information and **one or more** position values; and determining whether the distance is less than or equal to a threshold.

Alberth, in the same field of endeavor, teaches wherein using position information comprises: evaluating a distance between the position information and **one or more** position values (Alberth discloses transaction, col. 2 lines 15-65); and determining whether the distance is less than or equal to a threshold (types of transactions, time of transactions, time between transactions, amount of transactions, col. 4 lines 3-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hassett and Sutter, with Alberth's teaching, such that detecting is performed by the first device, by the second device, by a device that is associated with the entity, to provide means for the two devices to auto detect each other and automatically setup a communication link to pay for goods or services such as a traffic toll.

Regarding claims 8 and 34, Hassett, Alberth and Sutter teach A method according to claim 7, Hassett further teaches wherein the one or more position values are predetermined (Hassett discloses calculated toll amount and account balance [0028]).

Regarding claims 9 and 35, Hassett, Alberth and Sutter teach the method according to claim 1, Hassett further teaches comprising performing a function responsive to the enabling [0028].

Regarding claims 10 and 36, Hassett, Alberth and Sutter teach the method according to claim 9, Hassett further teaches wherein the function comprises a financial transaction, receiving data **or** transmitting data (Hassett discloses calculated toll amount and account balance [0028]).

Regarding claims 11 and 37, Hassett, Alberth and Sutter teach the method according to claim 10, Hassett further teaches wherein receiving data comprises receiving data selectively from a first unit and wherein transmitting data comprises transmitting data selectively to a second unit (Fig. 11 shows the vehicle's transceivers for tolls, and second device is cellular phone [0070]).

Regarding claims 12 and 38, Hassett, Alberth and Sutter teach the method according to claim 11, Hassett further teaches wherein the first and second units are the same unit (Fig. 11 shows the vehicle's transceivers for tolls, and second device is cellular phone [0070]).

Regarding claims 13 and 39, Hassett, Alberth and Sutter teach the method according to claim 11, Hassett further teaches wherein the first and second units are different units (Fig. 11 shows the vehicle's transceivers for tolls, and second device is cellular phone [0070]).

Regarding claims 14 and 40, Hassett, Alberth and Sutter teach the method according to claim 11, Hassett further discloses wherein the first **and/or** second units are predetermined (Figs. 1-2 show a wireless device and the other device, col. 5, lines 9-60).

Regarding claims 15 and 41, Hassett, Alberth and Sutter teach the method according to claim 11, Hassett further teaches wherein the first unit comprises a wireless communications device **and/or** the second unit comprises a wireless communications device (Fig. 11 shows the vehicle's transceivers for tolls, and second device is cellular phone [0070]).

Regarding claims 16 and 42, Hassett, Alberth and Sutter teach the method according to claim 11, Hassett and Sutter do not clearly teach wherein the first unit is associated with an Internet Protocol (IP) address **and/or** the second unit is associated with an IP address.

Alberth, in the same field of endeavor, teaches wherein the first unit is associated with an Internet Protocol (IP) address (Alberth discloses internet capabilities, col. 1 lines 30-45) **and/or** the second unit is associated with an IP address (Alberth discloses different protocols, col. 1 lines 30-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hassett and Sutter, with Alberth's teaching, such that detecting is performed by the first device, by the second device, by a device that is

associated with the entity via the intersystem, to provide means for the two devices to auto detect each other and automatically setup a communication link to pay for goods or services such as a traffic toll via the world wide web.

Regarding claims 17 and 43, Hassett, Alberth and Sutter teach the method according to claim 10, Hassett and Sutter do not clearly teach wherein receiving data comprises receiving a position, a request **and/or** an acknowledgement and wherein transmitting data comprises transmitting a position, an authorization and/or an acknowledgement.

Alberth, in the same field of endeavor, teaches wherein receiving data comprises receiving a position, a request **and/or** an acknowledgement and wherein transmitting data comprises transmitting a position, an authorization and/or an acknowledgement (Alberth discloses authorization transaction, col. 2, line 15 to col. 3, line 36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hassett and Sutter, with Alberth's teaching, such that detecting is performed by the first device, by the second device, by a device that is associated with the entity, to provide means for the two devices to auto detect each other and automatically setup a communication link to pay for goods or services such as a traffic toll.

Regarding claims 18 and 44, Hassett, Alberth and Sutter teach the method according to claim 10, Hassett and Sutter do not clearly teach wherein the financial

transaction comprises providing payment associated with a toll **and/or** providing payment associated with a purchase of **one or more** items.

Alberth, in the same field of endeavor, teaches wherein the financial transaction comprises providing payment associated with a toll **and/or** providing payment associated with a purchase of **one or more** items (Alberth discloses authorization transaction, col. 2 line 15 to col. 3 line 36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hassett and Sutter, with Alberth's teaching, such that detecting is performed by the first device, by the second device, by a device that is associated with the entity, to provide means for the two devices to auto detect each other and automatically setup a communication link to pay for goods or services such as a traffic toll.

Regarding claims 19 and 45, Hassett, Alberth and Sutter teach the method according to claim 10, Hassett and Sutter do not clearly teach wherein receiving data comprises receiving data once **or** repeatedly and wherein transmitting data comprises transmitting data once or repeatedly.

Alberth, in the same field of endeavor, teaches wherein receiving data comprises receiving data once **or** repeatedly and wherein transmitting data comprises transmitting data once or repeatedly (Alberth discloses authorization transaction, col. 2, line 15 to col. 3, line 36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hassett and Sutter, with Alberth's teaching, such that detecting is performed by the first device, by the second device, by a device that is associated with the entity, to provide means for the two devices to auto detect each other and automatically setup a communication link to pay for goods or services such as a traffic toll.

Regarding claims 20 and 46, Hassett, Alberth and Sutter teach the method according to claim 1, Hassett further teaches wherein the entity comprises a person, an animal, a building, a motor vehicle, a shopping cart, a product, a check-out counter, a geographic position, a geographic area **and/or one or more** locations in time **and/or** space (note that the cell phone is NOT a toll booth transceiver AND that they are not associated with each other UNTIL the vehicle's toll booth transceiver senses the toll booth transceiver reads on the different entity, see paragraphs [0056-0061]).

Regarding claims 21 and 48, Hassett, Alberth and Sutter teach the method according to claim 1, Hassett further teaches wherein enabling a mode comprises: selectively enabling a first communications mode comprising a first air interface protocol that uses a first set of frequencies to transmit/receive information based upon Orthogonal Frequency Division Multiplexing (OFDM) **and/or** Orthogonal Frequency Division Multiple Access (OFDMA) (note that the cell phone is NOT a toll booth transceiver AND that they are not associated with each other UNTIL the vehicle's toll

booth transceiver senses the toll booth transceiver reads on OFDMA, see paragraphs [0056-0061]).

Regarding claims 22 and 49, Hassett, Alberth and Sutter teach the method according to claim 21, Hassett further teaches wherein the first air interface protocol is further based upon Time Division Duplex (TDD) operation wherein the first set of frequencies are used to transmit information over a first time interval and are also used to receive information over a second time interval (predetermined time [0013], [0083], and [0087]).

Regarding claims 23 and 50, Hassett, Alberth and Sutter teach the method according to claim 21, Hassett further teaches wherein the first set of frequencies comprises licensed **and/or** un-licensed frequencies (note that the cell phone is NOT a toll booth transceiver AND that they are not associated with each other UNTIL the vehicle's toll booth transceiver senses the toll booth transceiver that reads on licensed and unlicensed frequencies, see paragraphs [0056-0061]).

Regarding claims 24 and 51, Hassett, Alberth and Sutter teach the method according to claim 21, Hassett further teaches comprising: selectively disabling a second communications mode comprising a second air interface protocol that uses a second set of frequencies to transmit/receive information (paragraph, [0229] and note that the cell phone is NOT a toll booth transceiver AND that they are not associated with

each other UNTIL the vehicle's toll booth transceiver senses the toll booth transceiver, see paragraphs [0056-0061]).

Regarding claims 25 and 52, Hassett, Alberth and Sutter teach the method according to claim 24, Hassett further teaches wherein the second air interface differs from the first air interface **and/or** the second set of frequencies differs, in at least one frequency, from the first set of frequencies (note that the cell phone is NOT a toll booth transceiver AND that they are not associated with each other UNTIL the vehicle's toll booth transceiver senses the toll booth transceiver, see paragraphs [0056-0061]).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael T. Vu whose telephone number is (571)272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles N. Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/MICHAEL T VU/
Examiner, Art Unit 2617

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617

Notice of References Cited	Application/Control No. 12/264,711	Applicant(s)/Patent Under Reexamination KARABINIS ET AL.	
	Examiner MICHAEL VU	Art Unit 2617	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-7,912,629	03-2011	Sutter et al.	701/118
	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.

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	Art Unit
	MICHAEL VU	2617

✓	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	02/06/2012								
	1	✓								
	2	✓								
	3	✓								
	4	✓								
	5	✓								
	6	✓								
	7	✓								
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	36	✓								

IPR2025-01239
Apple EX1044 Page 144

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	Art Unit
	MICHAEL VU	2617

✓	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	02/06/2012								
	37	✓								
	38	✓								
	39	✓								
	40	✓								
	41	✓								
	42	✓								
	43	✓								
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	53	✓								
	54	✓								

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	**Art Unit**
	MICHAEL VU	2617

SEARCHED

Class	Subclass	Date	Examiner
455	456.1-456.5, 426.1, 705	2/6/2012	MTV
709	217	2/6/2012	MTV
	See Searched History	2/6/2012	MTV

SEARCH NOTES

Search Notes	Date	Examiner
Inventor Name: Karabinis Peter	2/6/2012	MTV
Assignee: Telcom Ventures, Inc.	2/6/2012	MTV
Double Patent Checked	2/6/2012	MTV
Update EAST Search System	2/6/2012	MTV

INTERFERENCE SEARCH

Class	Subclass	Date	Examiner

IPR2025-01239
Apple EX1044 Page 146

PTO/SB/96 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: TELCOM VENTURES, LLC

Application No./Patent No.: 12/264,711 Filed/Issue Date: 11/04/2008

Titled: MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION

TELCOM VENTURES, LLC , a Corporation

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;

2. ☐ an assignee of less than the entire right, title, and interest in (The extent (by percentage) of its ownership interest is _____ %); or

3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 021783, Frame 0946, or for which a copy therefore is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

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3. From: _____ To: _____

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Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (*i.e.*, a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/Pablo Meles/ _____

Signature Date

Pablo Meles, Reg. No. 33739 Attorney

Printed or Typed Name Title

This collection of information is required by 37 CFR 3.73(b). 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. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

PTO/SB/80 (11-08)
Approved for use through 11/30/2011. OMB 0651-0035
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POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☑ Practitioners associated with the Customer Number: 92382

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

☑ The address associated with Customer Number: 92382

OR

☐ Firm or Individual Name			
Address			
City		State	Zip
Country			
Telephone		Email	

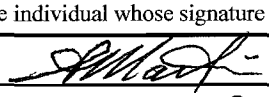
Assignee Name and Address:

TELCOM VENTURES, LLC
200 SOUTH BISCAYNE BLVD. 41st FLOOR, ATTN: S.G. MARTIN
MIAMI, FLORIDA 33131

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	4/3/12
Name	Serge Martin	Telephone	305-577-7097
Title	Executive Vice President, Telcom Ventures, LLC		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. 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 3 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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Electronic Acknowledgement Receipt

EFS ID:	12485726
Application Number:	12264711
International Application Number:	
Confirmation Number:	1684
Title of Invention:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION
First Named Inventor/Applicant Name:	PETER D. KARABINIS
Customer Number:	92382
Filer:	Pablo Meles/Meredith Mescher
Filer Authorized By:	Pablo Meles
Attorney Docket Number:	8382-3
Receipt Date:	06-APR-2012
Filing Date:	04-NOV-2008
Time Stamp:	11:48:19
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	8382-03_POA.pdf	127163 4beda4c0a9912eb86377bd3d731f3e008d4bac74	no	2

Warnings:	
Information:	

IPR2025-01239
Apple EX1044 Page 149

Total Files Size (in bytes):	127163

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

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/264,711	11/04/2008	PETER D. KARABINIS	8382-3

CONFIRMATION NO. 1684

92382
Guntin Meles & Gust, PLC
304 Indian Trace, #750
Weston, FL 33326

POA ACCEPTANCE LETTER

OC000000053691585

Date Mailed: 04/16/2012

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/06/2012.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/ttkim/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

IPR2025-01239
Apple EX1044 Page 151

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/264,711	11/04/2008	PETER D. KARABINIS	8382-3

CONFIRMATION NO. 1684

POWER OF ATTORNEY NOTICE

92382
Guntin Meles & Gust, PLC
304 Indian Trace, #750
Weston, FL 33326

OC000000053691563

Date Mailed: 04/16/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/06/2012.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/ttkim/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

IPR2025-01239
Apple EX1044 Page 152

PTO/SB/30EFS (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
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REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)

Application Number	12/264,711	Filing Date	2008-11-04	Docket Number (if applicable)	8283-3	Art Unit	2617
First Named Inventor	KARABINIS ET AL.			Examiner Name	Michael T. Vu		

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 505199

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

PTO/SB/30EFS (07-09)
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Signature of Registered U.S. Patent Practitioner			
Signature	/PABLO MELES/	Date (YYYY-MM-DD)	
Name	PABLO MELES	Registration Number	33739

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.

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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

Application Number:	12/264,711
Filing Date:	November 4, 2008
Examiner Name:	Michael T. Vu
Group Art Unit:	2617
Confirmation Number:	1684
Docket Number:	8382-3
First Named Inventor:	Peter D. Karabinis et al.
Title of Invention:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION

REQUEST FOR CONTINUED EXAMINATION

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

Sir:

These amendments and remarks are filed in response to the Final Office Action mailed March 5, 2012, and is being filed along with a Request for Continued Examination. Please amend the above-identified application as follows:

Amendments to the Claims begin on page **2** of this submission;

Remarks/Arguments begin on page **11** of this submission.

Amendments to the Claims:

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

Listing of Claims:

1. (Currently Amended) A method comprising:

detecting that a proximity criterion is satisfied between a first device and an entity; and

enabling a mode of the first device and a mode of a second device responsive to the detecting and responsive to a value that is associated with at least one of a position, velocity and a Time-of-Day being satisfied by the first device, wherein the first device is remote from the second device;

wherein the second device is not the entity and is not associated with the entity, and wherein the entity is not involved in providing a communications service to the first and/or second device.

2. (Previously Presented) The method according to Claim 1, wherein the detecting is performed by the first device, by the second device, by a device that is associated with the entity or by a system that is associated with the first and/or second devices.

3. (Previously Presented) The method according to Claim 1, wherein the enabling is performed by the first device, by the second device, by a device that is associated with the entity and by a system that is associated with the first and second devices.

4. (Original) The method according to Claim 1, wherein the first device comprises a wireless communications device and/or the second device comprises a wireless communications device.

5. (Original) The method according to Claim 2, wherein the system comprises a wireless communications system.

6. (Previously Presented) The method according to Claim 1, wherein detecting comprises:

using position information associated with the first device;

using position information associated with the second device;

detecting a signal that is being radiated by the first device;

detecting a signal that is being radiated by the second device; and

detecting a signal that is being radiated by a device that is associated with the entity.

7. (Original) The method according to Claim 6, wherein using position information comprises:

evaluating a distance between the position information and one or more position values; and

determining whether the distance is less than or equal to a threshold.

8. (Previously Presented) The method according to Claim 7, wherein the one or more position values are predetermined.

9. (Original) The method according to Claim 1, further comprising performing a function responsive to the enabling.

10. (Previously Presented) The method according to Claim 9, wherein the function comprises a financial transaction, receiving data or transmitting data.

11. (Original) The method according to Claim 10, wherein receiving data comprises receiving data selectively from a first unit and wherein transmitting data comprises transmitting data selectively to a second unit.

12. (Currently Amended) The method according to Claim 11, wherein the enabling the mode of the first device and the mode of the second device is responsive to the detecting and responsive to the value that is associated with at least the position and the Time-of-Day and optionally the velocity being satisfied by the first device~~first and second units are the same unit~~.

13. (Original) The method according to Claim 11, wherein the first and second units are different units.

14. (Original) The method according to Claim 11, wherein the first and/or second units are predetermined.

15. (Original) The method according to Claim 11, wherein the first unit comprises a wireless communications device and/or the second unit comprises a wireless communications device.

16. (Original) The method according to Claim 11, wherein the first unit is associated with an Internet Protocol (IP) address and/or the second unit is associated with an IP address.

17. (Original) The method according to Claim 10, wherein receiving data comprises receiving a position, a request and/or an acknowledgement and wherein transmitting data comprises transmitting a position, an authorization and/or an acknowledgement.

18. (Original) The method according to Claim 10, wherein the financial transaction comprises providing payment associated with a toll and/or providing payment associated with a purchase of one or more items.

19. (Original) The method according to Claim 10, wherein receiving data comprises receiving data once or repeatedly and wherein transmitting data comprises transmitting data once or repeatedly.

20. (Original) The method according to Claim 1, wherein the entity comprises a person, an animal, a building, a motor vehicle, a shopping cart, a product, a check-out counter, a geographic position, a geographic area and/or one or more locations in time and/or space.

21. (Original) The method according to Claim 1, wherein enabling a mode comprises:

selectively enabling a first communications mode comprising a first air interface protocol that uses a first set of frequencies to transmit/receive information based upon Orthogonal Frequency Division Multiplexing (OFDM) and/or Orthogonal Frequency Division Multiple Access (OFDMA).

22. (Original) The method according to Claim 21, wherein the first air interface protocol is further based upon Time Division Duplex (TDD) operation wherein the first set of frequencies are used to transmit information over a first time interval and are also used to receive information over a second time interval.

23. (Original) The method according to Claim 21, wherein the first set of frequencies comprises licensed and/or un-licensed frequencies.

24. (Original) The method according to Claim 21, further comprising:

selectively disabling a second communications mode comprising a second air interface protocol that uses a second set of frequencies to transmit/receive information.

25. (Original) The method according to Claim 24, wherein the second air interface differs from the first air interface and/or the second set of frequencies differs, in at least one frequency, from the first set of frequencies.

26. (Currently Amended) A system comprising:

a detector that is configured to enable a mode of a first device and to enable a mode of a second device responsive to a detection that a proximity criterion is satisfied between the first device and an entity and responsive to at least one of a position, velocity and a Time-of-Day;

wherein the second device is remote from the first device, is not the entity and is not associated with the entity, and wherein the entity is not involved in providing a communications service to the first and/or second device.

27. (Original) The system according to Claim 26, wherein the detection is performed by the first device, by the second device, by a device that is associated with the entity and/or by a system that is associated with the first and/or second devices.

28. (Original) The system according to Claim 26, wherein the mode is enabled by the first device, by the second device, by a device that is associated with the entity and/or by a system that is associated with the first and/or second devices.

29. (Original) The system according to Claim 26, wherein the first device comprises a wireless communications device and/or the second device comprises a wireless communications device.

30. (Original) The system according to Claim 27, wherein the system comprises a wireless communications system.

31. (Original) The system according to Claim 28, wherein the system comprises a wireless communications system.

32. (Previouysly Presented) The system according to Claim 26, wherein the detection comprises:

use of position information associated with the first device;

use of position information associated with the second device;

a detection of a signal that is being radiated by the first device;

a detection of a signal that is being radiated by the second device; and

a detection of a signal that is being radiated by a device that is associated with the entity.

33. (Original) The system according to Claim 32, wherein use of position information comprises:

an evaluation of a distance between the position information and one or more position values; and

a determination of whether the distance is less than or equal to a threshold.

34. (Original) The system according to Claim 33, wherein the one or more position values are predetermined.

35. (Original) The system according to Claim 26, wherein the first device and/or the second device is/are configured to perform a function responsive to the mode having been enabled by the detector.

36. (Original) The system according to Claim 35, wherein the function comprises a financial transaction, reception of data and/or transmission of data.

37. (Original) The system according to Claim 36, wherein reception of data comprises reception of data selectively from a first unit and wherein transmission of data comprises transmission of data selectively to a second unit.

38. (Currently Amended) The system according to Claim 37, wherein the detector enables the mode of the first device and the mode of the second device responsive to the detecting and responsive to the position, the Time-of-Day and the velocity being satisfied by the first device.

39. (Original) The system according to Claim 37, wherein the first and second units are different units.

40. (Original) The system according to Claim 37, wherein the first and/or second units are predetermined.

41. (Original) The system according to Claim 37, wherein the first unit comprises a wireless communications device and/or the second unit comprises a wireless communications device.

42. (Original) The system according to Claim 37, wherein the first unit is associated with an Internet Protocol (IP) address and/or the second unit is associated with an IP address.

43. (Original) The system according to Claim 36, wherein receiving data comprises receiving a position, a request and/or an acknowledgement and wherein transmitting data comprises transmitting a position, an authorization and/or an acknowledgement.

44. (Original) The system according to Claim 36, wherein the financial transaction comprises a payment of a toll and/or a payment associated with a purchase of one or more items.

45. (Original) The system according to Claim 37, wherein the reception of data comprises reception of data once or repeatedly and wherein the transmission of data comprises transmission of data once or repeatedly.

46. (Original) The system according to Claim 26, wherein the entity comprises a person, an animal, a building, a motor vehicle, a shopping cart, a product that is on sale, a check-out counter, a geographic position, a geographic area and/or one or more locations in time and/or space.

47. (Original) The system according to Claim 27, further comprising the first device, the second device, the entity, the device that is associated with the entity and/or the system that is associated with the first and/or second devices.

48. (Original) The system according to Claim 26, wherein the detector is further configured to selectively enable a first communications mode comprising a first air interface protocol that uses a first set of frequencies to transmit/receive information based upon Orthogonal Frequency Division Multiplexing (OFDM) and/or Orthogonal Frequency Division Multiple Access (OFDMA).

49. (Original) The system according to Claim 48, wherein the first air interface protocol is further based upon Time Division Duplex (TDD) operation wherein the first set of frequencies are used to transmit information over a first time interval and are also used to receive information over a second time interval.

50. (Original) The system according to Claim 48, wherein the first set of frequencies comprises licensed and/or un-licensed frequencies.

51. (Original) The system according to Claim 48, wherein the detector is further configured to selectively disable a second communications mode comprising a second air interface protocol that uses a second set of frequencies to transmit/receive information.

52. (Previously Presented) The system according to Claim 51, wherein the second air interface differs from the first air interface and the second set of frequencies differs, in at least one frequency, from the first set of frequencies.

53. (Currently Amended) A method comprising:

detecting that a proximity criterion is satisfied between a first device and an entity; and

enabling a mode of the first device and a mode of a second device responsive to detecting satisfaction of the proximity criterion and while the proximity criterion is satisfied, wherein the first device and the second device form a part of a communication system providing communications service to the first device and the second device;

wherein the second device is remote from the first device, independent of the entity and wherein the entity is independent of the communications service provided to the first and second device.

54. (Currently Amended) A system comprising:

a mobile subscriber device;

a detector coupled to the mobile subscriber device wherein the detector is configured to enable a function of the mobile subscriber device and to enable a function of a second mobile subscriber device responsive to a detection that a proximity criterion is satisfied between the mobile subscriber device and an entity defined by a person, an animal, a building, a motor vehicle, a shopping cart, a product on sale, a check-out counter, a geographic position, a geographic area, or a geographic area or geographic position combined with a predetermined time frame, wherein the mobile subscriber device and the second mobile subscriber device form a part of a communication system providing communications service to the mobile subscriber device and the second mobile subscriber device;

wherein the second mobile subscriber device is remote from each other, independent of the entity and wherein the entity is independent of the communications service provided to the mobile subscriber device and second mobile subscriber device.

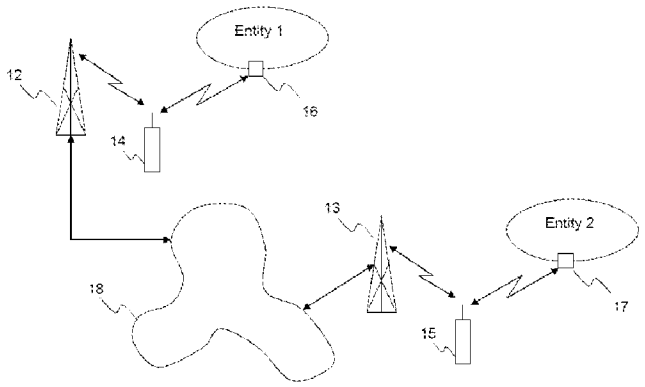
Remarks

These remarks are submitted in response to the Final Office Action of March 5, 2012, and are being filed along with a Request for Continued Examination. At the time of the Office Action, claims 1-54 were pending. Amendments have been made to claims 1, 12, 26, 38, 53, and 54 in the present Office Action. No new matter has been added.

The undersigned would like to thank the Examiner for listening to the telephone communication of June 5, 2012 regarding the claim amendments. However, no resolution was reached.

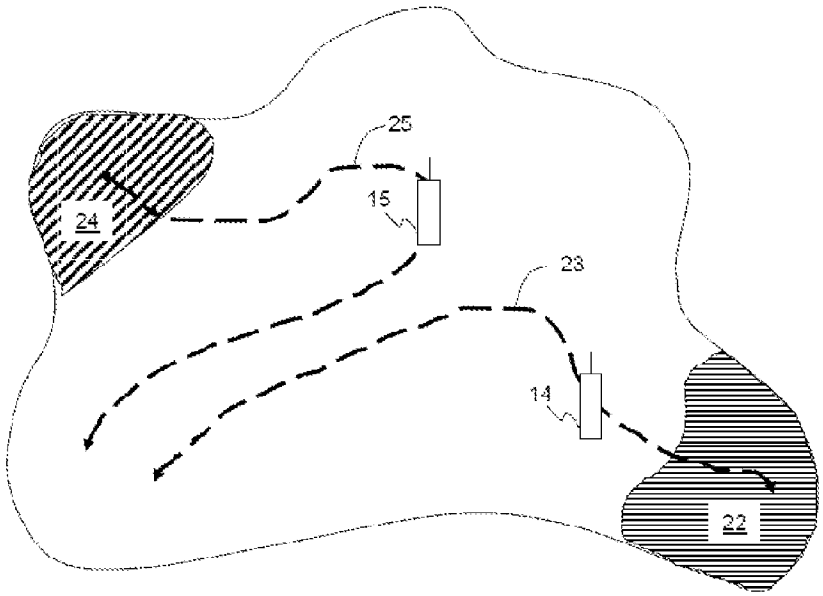
I. Claim Rejections Under 35 U.S.C § 103

Claims 1-54 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hassett (US 2006/0145893) in view of Alberth et al (US 7,822,644), and further in view of Sutter et al (US 7,912,629). Regarding claim 1, the cited portions of Hassett, Albreth, and Sutter fail to disclose or suggest a first device, an entity, and a second device where a method comprises detecting that a proximity criterion is satisfied between a first device and an entity and enabling a mode of the first device and a mode of a second device responsive to the detecting and responsive to a value that is associated with at least one of a position, velocity and a Time-of-Day being satisfied by the first device where the first device is remote from the second device. Support for the amendments can be found at least with FIG. 1 and FIG. 2 and the corresponding description in the Specificatoin:



10

FIG. 1



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FIG. 2

With respect to the cited portions of Hassett, Hassett fails to include a second device and thereby precluding a method comprising "enabling a mode of the first device and a mode of a second device responsive to the detecting and a value that is associated with at least one of a position, velocity and Time-of-Day being stratified by the first device, wherein the first device is remote from the second device. In contrast, FIG. 11 of Hassett and various portions of Hassett describe a vehicle transceiver such as device 28 and a transmitter (either 18 in a first lane or 20 in a second lane or 22 in a third lane).

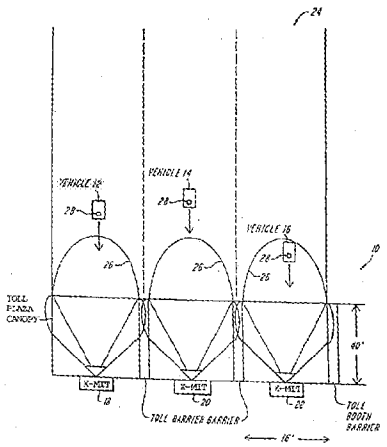


FIG. 11

[0057] **FIG. 11** shows a block diagram of a multi-lane vehicle location system **210** according to the invention. The illustrated embodiment **210** enables vehicle position to be determined and transferred from vehicle transponders, located in host vehicles **212-216**, to the lane transmitter units **218-222**, as the vehicles **212-216** travel along the roadway **224**.

[0059] The illustrated embodiment includes two primary components; the vehicle transponders **28**, and the lane stationary transceivers **218-222**. As discussed in further detail below, a vehicle transponder **228**, according to a preferred embodiment, is carried by a host vehicle and includes a radio frequency transmitter and receiver, a central processing unit, an early warning signal detection unit, a signal strength detection unit, a signal decoding unit, and a user interface. The preferred embodiment of the roadway stationary transceiver includes a transmitter unit and a directional antenna having a known antenna pattern directed at the lane below the transmitter unit.

The cited portions above describe a system that include a vehicle transponder 28 and lane stationary transceivers 2-18 through 2-22 which are part of the entity or toll booth. There is no second device where the mode of the second device is enabled in Hassett. The cited portions of Hassett is just referring to the first device or the transponder 28 or 2-28 in the vehicle. Paragraphs 68 and 70 describe:

[0068] FIG. 14 depicts detail of the transponder 228. The transponder includes a data processor 270, a signal receiver 272, connected to an antenna element 273, a decoding means 274, connected to the signal receiver 272, a signal strength detection unit 276, connected between receiver 272 and processor 270, an early warning signal detection unit 278 also connected between receiver 272 and processor 270, a transmitter 280, a memory element 288 is connected to processor 270, and a user interface section 283. A conventional power supply 289 provides the power requirements of the transponder.

[0070] The transponder antenna 273, can be incorporated into the transponder module itself or a receptacle can be provided to attach to a conventional window mounted antenna, similar to those employed in connection with cellular telephone devices.

Again, there is no second device in Hasslett that is being enabled. The cited portion in paragraph 70 relates to the antenna of the vehicle transceiver (or vehicle transponder) and states: "The transponder antenna 273, can be incorporated into the transponder module itself or a receptacle can be provided to attach to a conventional window mounted antenna, similar to those employed in connection with cellular telephone devices." Accordingly, paragraph [0070] of Hassett only makes an analogy between the antenna of the vehicle transponder and an antenna of a cellular telephone, and simply points out that a window mounted antenna configuration, as used by cellular telephones, may also be used for the antenna of the vehicle transponder. The cellular telephone is not part of the system of Hassett and there is no second device. The vehicle transponder and the antenna configuration referenced therein is all part of the first device. There is no second device that is enabled. The claim has been further clarified to distinguish that the first device is remote from the second device. The "conventional window mounted antenna" in paragraph 70 is only mentioned in order to illustrate an example of an antenna configuration that may be used for the antenna of the vehicle transponder.

Furthermore, on page 4 of the Office Action, the Office concedes that Hassett and Alberth fail to disclose a value that is associated with at least one of a position, velocity and a

Time-of-Day being satisfied by the first device. The Office relies on Col. 19, line 41 through Col. 20, line 3 as well as Col. 2, lines 29-32 of Sutter which describes:

> The virtual trip lines **77** of the exemplary embodiments of the present invention may serve many practical uses. For instance, the virtual trip lines may be defined with location descriptors which correspond to a toll road, toll booth, toll station or the like. In this regard, when the mobile terminal **10**, which may be in a vehicle, crosses the respective virtual trip line associated with the toll road, toll booth, toll station or the like, the mobile terminal **10** may generate an audible message that may be heard via speaker **24** or a message that is viewable on display **28** notifying the user that the mobile terminal is entering an area relating to a road for which a driver pays a toll, i.e., a fee for using the road. Additionally, in the case of a virtual trip line associated with a toll road, toll booth/station or the like, the user of the mobile terminal may set up an account with the traffic monitoring server **51** to automatically deduct the fee for using the toll road from the account of the user so that the user's vehicle containing mobile terminal **10** may proceed through a toll booth, toll station or the like. To effectuate payment of the toll fee, data in the report sent from the mobile terminal **10** to the traffic monitoring server **51** should typically identify the user, so that the user's identification information may be matched to the user's account information at the TMS **51**. When the data in the report matches the user's account information, the traffic monitoring server **51** is typically capable of deducting the monetary value (e.g., $1.00) of the toll fee from the user's account and sending a message, such as for example a receipt or an electronic receipt, to the mobile terminal **10** indicating that the monetary value corresponding to the toll fee was deducted from the user's account.

> An alternative to location based measurements in existing traffic monitoring services consists of performing time based measurements as opposed to location based measurements. While time based measurements continue to report data even if traffic comes to a complete stop or moves very slow, traffic monitoring services utilizing time based measurements suffer from other drawbacks. For instance, in a traffic monitoring

The cited portions above describe a mobile terminal that generates an audible message letting a user of a mobile terminal know that a fee is being charged as the mobile terminal passes a toll station. The cited portions of Sutter fail to overcome the deficiencies of Hassett and Alberth since the cited portions of Sutter fail to suggest or disclose a method enabling a mode of the first device and a mode of a second device responsive to the detecting and responsive to a

value that is associated with at least one of a position, velocity and a Time-of-Day being satisfied by the first device where the first device is remote from the second device. Accordingly, Hassett, Alberth, and Sutter fail to render claim 1 obvious and therefore claim 1 is allowable. Claims 2-25 are allowable as being dependent on an allowable base claim.

With respect to claim 12, further note that Hassett, Alberth, and Sutter fail to disclose or suggest enabling the mode of the first device and the mode of the second device is responsive to the detecting and responsive to the value that is associated with at least the position and the Time-of-Day and optionally the velocity being satisfied by the first device. Col. 2, lines 29-32 of Sutter reference an alternative to location based measurements as being time based measurements. This cited portion of Sutter teaches away from using a combination of at least position and Time-of-Day with an option to include velocity. Accordingly, Hassett, Alberth, and Sutter fail to render claim 12 obvious and therefore claim 12 is allowable.

With respect to claim 26, Hassett, Alberth, and Sutter fail to disclose or suggest a system comprising a detector that is configured to enable a mode of a first device and to enable a mode of a second device responsive to a detection that a proximity criterion is satisfied between the first device and an entity and responsive to at least one of a position, velocity and a Time-of-Day and where the second device is remote from the first device, is not the entity and is not associated with the entity, and wherein the entity is not involved in providing a communications service to the first and/or second device. As explained above, Hassett fails to include a second device and thereby precluding a system comprising a detector configured to enable a mode of a first device and to enable a mode of a second device responsive to a detection that a proximity criterion is satisfied between the first device and an entity. In contrast, Hassett describes a vehicle transceiver such as device 28 and a transmitter at the entity or toll booth. More specifically, Hassett describes a system that includes a vehicle transponder 28 and lane stationary transceivers 2-18 through 2-22 which are part of the entity or toll booth. There is no second device where the mode of the second device is enabled in Hassett. The claim has been further clarified to distinguish that the first device is remote from the second device. The "conventional window mounted antenna" in paragraph 70 is only mentioned in order to illustrate an example of an antenna configuration that may be used for the antenna of the vehicle transponder or the first

device. Furthermore, as explained above, the Office concedes that Hassett and Alberth fail to disclose a value that is associated with at least one of a position, velocity and a Time-of-Day being satisfied by the first device and the reliance on Sutter fails to overcome the deficiencies of Hassett and Alberth. Accordingly, Hassett, Alberth, and Sutter fail to render claim 26 obvious and therefore claim 26 is allowable. Claims 27-52 are allowable as being dependent on an allowable base claim.

With respect to claim 38, further note that Hassett, Alberth, and Sutter fail to disclose or suggest enabling the mode of the first device and the mode of the second device is responsive to the detecting and responsive to the value that is associated with at least the position, the Time-of-Day, the velocity being satisfied by the first device. Col. 2, lines 29-32 of Sutter reference an alternative to location based measurements as being time based measurements. This cited portion of Sutter teaches away from using a combination of at least position, Time-of-Day and velocity. Accordingly, Hassett, Alberth, and Sutter fail to render claim 38 obvious and therefore claim 38 is allowable.

With respect to claim 53, Hassett, Alberth, and Sutter fail to disclose or suggest a method comprising detecting that a proximity criterion is satisfied between a first device and an entity and enabling a mode of the first device and a mode of a second device responsive to detecting satisfaction of the proximity criterion. As explained above, Hassett fails to include a second device and thereby precluding a method enabling a mode of a first device and of a second device. Hassett describes a system that includes a vehicle transponder 28 and lane stationary transceivers 2-18 through 2-22 which are part of the entity or toll booth. There is no second device where the mode of the second device is enabled in Hassett. Further, the Office relies on Sutter to overcome the deficiencies of Hassett and Alberth, but the cited portions of Sutter fail to overcome the deficiencies of Hassett and Alberth since the cited portions of Sutter fail to disclose or suggest enabling a mode of the first device and a mode of a second device responsive to detecting satisfaction of the proximity criterion. Accordingly, Hassett, Alberth, and Sutter fail to render claim 53 obvious and therefore claim 53 is allowable.

With respect to claim 54, Hassett, Alberth, and Sutter fail to disclose or suggest a system comprising a detector coupled to the mobile subscriber device wherein the detector is configured

to enable a function of the mobile subscriber device and to enable a function of a second mobile subscriber device responsive to a detection that a proximity criterion is satisfied between the mobile subscriber device and an entity. Hassett fails to include a second device and thereby precluding a system enabling a mode of a first device and of a second device. Hassett does not have a second device where the mode of the second device is enabled. Further, the reliance by the Office on Sutter to overcome the deficiencies of Hassett and Alberth fail to overcome the deficiencies of Hassett and Alberth since the cited portions of Sutter fail to disclose or suggest enabling a function of the mobile subscriber device and to enable a function of a second mobile subscriber device responsive to a detection that a proximity criterion. Accordingly, Hassett, Alberth, and Sutter fail to render claim 54 obvious and therefore claim 54 is allowable.

II. Conclusion

This application is in condition for allowance, which action is respectfully requested. It is respectfully requested that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion. Please charge any deficiencies or credit any overpayment to Deposit Account No. 50-5199.

Respectfully submitted,

/Pablo Meles/

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Electronic Patent Application Fee Transmittal

Application Number:	12264711
Filing Date:	04-Nov-2008
Title of Invention:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION
First Named Inventor/Applicant Name:	PETER D. KARABINIS
Filer:	Pablo Meles
Attorney Docket Number:	8382-3

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:				

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

Electronic Acknowledgement Receipt

EFS ID:	12934116
Application Number:	12264711
International Application Number:	
Confirmation Number:	1684
Title of Invention:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION
First Named Inventor/Applicant Name:	PETER D. KARABINIS
Customer Number:	92382
Filer:	Pablo Meles
Filer Authorized By:	
Attorney Docket Number:	8382-3
Receipt Date:	05-JUN-2012
Filing Date:	04-NOV-2008
Time Stamp:	11:07:09
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$465
RAM confirmation Number	9419
Deposit Account	505199
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part / .zip	Pages (if appl.)

IPR2025-01339
Apple EX1044 Page 176

1	Request for Continued Examination (RCE)	8283-3_RCE.pdf	697836 b57fa38bc9137d7b0c0fcae4699afd81b0595c52	no	3
Warnings:					
Information:					
2	Amendment Submitted/Entered with Filing of CPA/RCE	8382-3_FOAR.pdf	275239 18a741fb10888ace679cea4ea529525bc6edf800	no	18
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30311 dffcfe9fc3d49fedb24f993a10c66e45d04e8043	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	1003386	

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

PTO/SB/06 (07-06)
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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	☐ To be Mailed
12/264,711	11/04/2008	

APPLICATION AS FILED – PART I

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

APPLICATION AS AMENDED – PART II

AMENDMENT 06/05/2012	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 54	Minus	** 54	= 0	X $30 =	0	OR	X $ =	
Independent (37 CFR 1.16(h))	* 4	Minus	***4	= 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	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) 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	

* 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:
/MARQUITA JONES/

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

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

PTO/SB/08a (01-10)
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	12264711
Filing Date	2008-11-04
First Named Inventor	KARABINIS, PETER D.
Art Unit	2641
Examiner Name	VU, MICHAEL T
Attorney Docket Number	8382-3

U.S.PATENTS

Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1					

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U.S.PATENT APPLICATION PUBLICATIONS

Examiner Initial*	Cite No	Publication Number	Kind Code[1]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	20080140868		2008-06-12	KALAYJIAN, ET AL.	

If you wish to add additional U.S. Published Application citation information please click the Add button.

FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2] i	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]
	1							☐

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NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]

IPR2025-01239
Apple EX1044 Page 179

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12264711
	Filing Date	2008-11-04
	First Named Inventor	KARABINIS, PETER D.
	Art Unit	2641
	Examiner Name	VU, MICHAEL T
	Attorney Docket Number	8382-3

	1		☐

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EXAMINER SIGNATURE

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	12264711
Filing Date	2008-11-04
First Named Inventor	KARABINIS, PETER D.
Art Unit	2641
Examiner Name	VU, MICHAEL T
Attorney Docket Number	8382-3

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

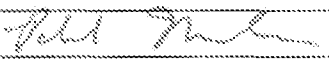
☐ See attached certification statement.

☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

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

Signature		Date (YYYY-MM-DD)	2013-03-07
Name/Print	Pablo Meles	Registration Number	33,739

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1 hour 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.**

Electronic Acknowledgement Receipt

EFS ID:	15148350
Application Number:	12264711
International Application Number:	
Confirmation Number:	1684
Title of Invention:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION
First Named Inventor/Applicant Name:	PETER D. KARABINIS
Customer Number:	92382
Filer:	Pablo Meles/Audrey Herrman
Filer Authorized By:	Pablo Meles
Attorney Docket Number:	8382-3
Receipt Date:	07-MAR-2013
Filing Date:	04-NOV-2008
Time Stamp:	17:02:34
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	T0228_00301_SupplDS.pdf	867175 71007052af50a524667d6e0833bd2658807c30b5	no	3

Warnings:	
Information:	

IPR2025-01239
Apple EX1044 Page 182

This is not an USPTO supplied IDS fillable form	
Total Files Size (in bytes):	867175

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

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

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

PTO/SB/80 (11-08)
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POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☑ Practitioners associated with the Customer Number: 11753

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

☑ The address associated with Customer Number: 11753

OR

☐ Firm or individual Name			
Address			
City		State	Zip
Country			
Telephone		Email	

Assignee Name and Address

Telcom Ventures LLC
200 South Biscayne Blvd, 41st Fl
Miami, FL 33131
(Attention: S. Martin)

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature	[signature]	Date	3-28-2013
Name	S.G. MARTIN	Telephone	(305) 577-7987
Title	EXECUTIVE V.P.		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. 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 3 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.

PTO/SB/96 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: TELECOM VENTURES, LLC

Application No./Patent No.: 12/264,711 Filed/Issue Date: November 4, 2008

Titled: MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION

Telecom Ventures, LLC , a corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.

states that it is:

1. [X] the assignee of the entire right, title, and interest in;

2. [ ] an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is ____ %); or

3. [ ] the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

A. [X] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 021783, Frame 0946, or for which a copy therefore is attached.

OR

B. [ ] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: ____ To: ____
The document was recorded in the United States Patent and Trademark Office at
Reel ____, Frame ____, or for which a copy thereof is attached.

2. From: ____ To: ____
The document was recorded in the United States Patent and Trademark Office at
Reel ____, Frame ____, or for which a copy thereof is attached.

3. From: ____ To: ____
The document was recorded in the United States Patent and Trademark Office at
Reel ____, Frame ____, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet(s).

[X] As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (*i.e.*, a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/Pablo Meles/ June 12, 2013
Signature Date

Pablo Meles, Registration No. 33,739 Attorney of Record
Printed or Typed Name Title

This collection of information is required by 37 CFR 3.73(b). 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. 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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Electronic Acknowledgement Receipt

EFS ID:	16035553
Application Number:	12264711
International Application Number:	
Confirmation Number:	1684
Title of Invention:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION
First Named Inventor/Applicant Name:	PETER D. KARABINIS
Customer Number:	92382
Filer:	Pablo Meles/Lisa Patino
Filer Authorized By:	Pablo Meles
Attorney Docket Number:	8382-3
Receipt Date:	13-JUN-2013
Filing Date:	04-NOV-2008
Time Stamp:	17:20:55
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		F9981_00301_POA.pdf	640735 23fe5d4dc641c95939a3e8edc16b9917165c7e1b	yes	2

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Power of Attorney	1	1
	Assignee showing of ownership per 37 CFR 3.73.	2	2
Warnings:			
Information:			
	Total Files Size (in bytes):	640735	

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/264,711	11/04/2008	PETER D. KARABINIS	8382-3

CONFIRMATION NO. 1684

POA ACCEPTANCE LETTER

11753
Duane Morris LLP, IP Department (Boca Raton)
Boca Center Tower II
5100 Town Center Circle, Suite 650
Boca Raton, FL 33486

OC000000062032199

Date Mailed: 06/19/2013

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/13/2013.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/erimando/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

IPR2025-01239
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/264,711	11/04/2008	PETER D. KARABINIS	8382-3

CONFIRMATION NO. 1684

POWER OF ATTORNEY NOTICE

92382
Guntin & Gust, PLC
304 Indian Trace, #750
Weston, FL 33326

OC00000062032179

Date Mailed: 06/19/2013

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/13/2013.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/erimando/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

IPR2025-01239
Apple EX1044 Page 189

Doc Code: PA..
Document Description: Power of Attorney

PTO/AIA/82A (07-13)
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TRANSMITTAL FOR POWER OF ATTORNEY TO ONE OR MORE REGISTERED PRACTITIONERS

NOTE: This form is to be submitted with the Power of Attorney by Applicant form (PTO/AIA/82B) to identify the application to which the Power of Attorney is directed, in accordance with 37 CFR 1.5, unless the application number and filing date are identified in the Power of Attorney by Applicant form. If neither form PTO/AIA/82A nor form PTO/AIA82B identifies the application to which the Power of Attorney is directed, the Power of Attorney will not be recognized in the application.

Application Number	12/264,711
Filing Date	November 4, 2008
First Named Inventor	Peter D. KARABINIS
Title	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION
Art Unit	2641
Examiner Name	Michael T. Vu
Attorney Docket Number	028780-000060

SIGNATURE of Applicant or Patent Practitioner

Signature	/Nicholas Panno/	Date (Optional)	
Name	Nicholas Panno	Registration Number	68,513
Title (if Applicant is a juristic entity)			
Applicant Name (if Applicant is a juristic entity)			

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. If more than one applicant, use multiple forms.

☑ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. 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 3 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.

Doc Code: PA..
Document Description: Power of Attorney

PTO/AIA/82B(07-12)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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POWER OF ATTORNEY BY APPLICANT

I hereby revoke all previous powers of attorney given in the application identified in the attached transmittal letter.

☒ I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A or equivalent):

47604

OR

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A or equivalent):

Name	Registration Number	Name	Registration Number

Please recognize or change the correspondence address for the application identified in the attached transmittal letter to:

☒ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

☐ Firm or Individual Name					
Address					
City		State		Zip	
Country					
Telephone		Email			

I am the Applicant:

☐ Inventor or Joint Inventor

☐ Legal Representative of a Deceased or Legally Incapacitated Inventor

☒ Assignee or Person to Whom the Inventor is Under an Obligation to Assign

☐ Person Who Otherwise Shows Sufficient Proprietary Interest (*e.g.*, a petition under 37 CFR 1.46(b)(2) was granted in the application or is concurrently being filed with this document)

SIGNATURE of Applicant for Patent

Signature	Serge G. Martin Executive Vice President	Date	4-25-2013
Name		Telephone	305-577-7097
Title and Company	Telcom Ventures, LLC		

NOTE: Signature - This form must be signed by the applicant in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms for more than one signature, see below *.

☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. 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 3 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.

Electronic Acknowledgement Receipt

EFS ID:	18628396
Application Number:	12264711
International Application Number:	
Confirmation Number:	1684
Title of Invention:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION
First Named Inventor/Applicant Name:	PETER D. KARABINIS
Customer Number:	11753
Filer:	Dale S. Lazar/Ava M. Dixon
Filer Authorized By:	Dale S. Lazar
Attorney Docket Number:	8382-3
Receipt Date:	31-MAR-2014
Filing Date:	04-NOV-2008
Time Stamp:	18:47:31
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Post Allowance Communication - Incoming	028780-000060_POA.pdf	176792 cf01c4b97ea89a7099535d249dcd9cd31e0fc284	no	2

Warnings:

The page size in the PDF is too large. The pages should be 8.5 x 11 or A4. If this PDF is submitted, the pages will be resized upon entry into the Image File Wrapper and may affect subsequent processing	
Information:	
Total Files Size (in bytes):	176792

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New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/264,711	11/04/2008	PETER D. KARABINIS	8382-3	1684

11753 7590 06/03/2014

DUANE MORRIS LLP (prev. Boca Raton)
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103-4196

EXAMINER	
VU, MICHAEL T	

ART UNIT	PAPER NUMBER
2641	

MAIL DATE	DELIVERY MODE
06/03/2014	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. 12/264,711	Applicant(s) KARABINIS ET AL.	
	Examiner MICHAEL T. VU	Art Unit 2641	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 *06/05/2012*.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

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

Disposition of Claims*

5)☒ Claim(s) *1-54* 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) *1-54* 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 *11/04/2008* 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

1. The present application is being examined under the pre-AIA first to invent provisions.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/05/2012 has been entered.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 03/07/2013 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

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

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

5. Claims 1-54 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Alberth et al (US 2007/0250393), hereinafter "Alberth", in view of Robinson et al (US 2008/0306868), hereinafter "Robinson ".

Regarding **claims 1, 26, 53 and 54,** Alberth teaches a method comprising:

detecting that a proximity criterion is satisfied between a first device (Figure 1 shows first device 102) and an entity (Figure 1 shows 106 reads on entity and [0005] teach a third entity or vendor); and

enabling a mode of the first device and a mode of a second device responsive to the detecting and responsive to a value that is associated with **at least one of** a position (par [0004] enabling to detect the presence of mobile device at a toll booth/third party/vendor), velocity and a Time-of-Day being satisfied by the first device (pars [0018] [0031]), wherein the first device is remote from the second device (Fig. 3 shows a first mobile device and a second mobile device are using the short range or WAN network reads on remotely);

Alberth does not explicitly teach wherein the second device is not the entity and is not associated with the entity, and wherein the entity is not involved in providing a communications service to the first and/or second device.

Robinson, in the same field of endeavor, teaches wherein the second device is not the entity (par [0032]) and is not associated with the entity (par [0032] teach the

plurality of vehicles for toll which is not the entity or associated with the entity), and wherein the entity is not involved in providing a communications service to the first and/or second device ([0032]).

Therefore, it would have been obvious to one skilled in the art at the time of the invention, to modify Alberth, with Robinson's teaching, in order to use wherein the second device is not the entity and is not associated with the entity, and wherein the entity is not involved in providing a communications service to the first and/or second device, including means for providing to give the flexibility service with a very low toll rate and unlimited access to toll road usage as taught by Robinson (see par [0032]).

Regarding **claims 2 and 27,** Alberth and Robinson teach the method according to Claims 1, 26, Alberth further teaches wherein the detecting is performed by the first device (Fig. 3), by the second device (Fig. 3), by a device that is associated with the entity (Fig. 3) **or** by a system that is associated with the first and/or second devices.

Regarding **claims 3, 28 and 47,** Alberth and Robinson teach the method according to Claims 1, 26, 27, Alberth further teaches wherein the enabling is performed by the first device (Fig. 3), by the second device (Fig. 3), by a device that is associated with the entity and by a system that is associated with the first and second devices (Fig. 3).

Regarding **claims 4 and 29,** Alberth and Robinson teach the method according to Claim 1, 26, Alberth further teaches wherein the first device comprises a wireless communications device and/or the second device comprises a wireless communications device (Fig. 3).

Regarding **claims 5 and 30-31,** Alberth and Robinson teach the method according to Claims 2, 27, 28, Alberth further teaches wherein the system comprises a wireless communications system (Fig. 3, and par [0003]).

Regarding **claims 6 and 32,** Alberth and Robinson teach the method according to Claims 1, 26, Alberth further teaches wherein detecting comprises: using position information associated with the first device (Fig. 3, pars [0028-0030]); using position information associated with the second device (Fig. 3, pars [0028-0030]); detecting a signal that is being radiated by the first device (Fig. 3, pars [0028-0030]); detecting a signal that is being radiated by the second device (Fig. 3, pars [0028-0030]); and detecting a signal that is being radiated by a device that is associated with the entity (Fig. 3, pars [0028-0030]).

Regarding **claims 7 and 33,** Alberth and Robinson teach the method according to Claims 6, 32, Alberth further teaches wherein using position information comprises: evaluating a distance between the position information and **one or more** position values

(pars [0003-0006]); and determining whether the distance is less than or equal to a threshold (pars [0003-0005]).

Regarding **claims 8 and 34,** Alberth and Robinson teach the method according to Claims 7, 33, Alberth further teaches wherein the **one or more** position values are predetermined (pars [0003-0005]).

Regarding **claims 9 and 35,** Alberth and Robinson teach the method according to Claims 1, 26, Alberth further teaches comprising performing a function responsive to the enabling (par [0006]).

Regarding **claims 10 and 36,** Alberth and Robinson teach the method according to Claims 9, 35, Alberth further teaches wherein the function comprises a financial transaction, receiving data or transmitting data (pars [0003-0005]).

Regarding **claims 11 and 37,** Alberth and Robinson teach the method according to Claims 10, 36, Alberth further teaches wherein receiving data comprises receiving data selectively from a first unit and wherein transmitting data comprises transmitting data selectively to a second unit (Fig. 3, pars [0028-0030]).

Regarding **claims 12 and 38,** Alberth and Robinson teach the method according to Claims 11, 37, Alberth further teaches wherein the enabling the mode of the first

device and the mode of the second device is responsive to the detecting and responsive to the value that is associated with at least the position and the Time-of-Day and optionally the velocity being satisfied by the first device (pars [0018], [0030]).

Regarding **claims 13 and 39,** Alberth and Robinson teach the method according to Claims 11, 37, Alberth further teaches wherein the first and second units are different units (Fig. 3).

Regarding **claims 14 and 40,** Alberth and Robinson teach the method according to Claims 11, 37, Alberth further teaches wherein the first and/or second units are predetermined (Fig. 3, pars [0028-0030]).

Regarding **claims 15 and 41,** Alberth and Robinson teach the method according to Claims 11, 37, Alberth further teaches wherein the first unit comprises a wireless communications device **and/or** the second unit comprises a wireless communications device (pars [0003-0005]).

Regarding **claims 16 and 42,** Alberth and Robinson teach the method according to Claims 11, 37, Alberth further teaches wherein the first unit is associated with an Internet Protocol (IP) address and/or the second unit is associated with an IP address (pars [0003-0005]).

Regarding **claims 17 and 43,** Alberth and Robinson teach the method according to Claims 10, 36, Alberth further teaches wherein receiving data comprises receiving a position, a request **and/or** an acknowledgement (pars [0006], [0010-0011]) and wherein transmitting data comprises transmitting a position, an authorization and/or an acknowledgement (pars [0006], [0010-0011]).

Regarding **claims 18 and 44,** Alberth and Robinson teach the method according to Claims 10, 36, Alberth further teaches wherein the financial transaction comprises providing payment associated with a toll **and/or** providing payment associated with a purchase of **one or more** items (pars [0030-0031]).

Regarding **claims 19 and 45,** Alberth and Robinson teach the method according to Claims 10, 37, Alberth further teaches wherein receiving data comprises receiving data once **or** repeatedly and wherein transmitting data comprises transmitting data once **or** repeatedly (pars [0030-0031]).

Regarding **claims 20 and 46,** Alberth and Robinson teach the method according to Claims 1, 26, Alberth further teaches wherein the entity comprises a person, an animal, a building, a motor vehicle, a shopping cart, a product, a check-out counter, a geographic position, a geographic area **and/or one or more** locations in time and/or space (pars [0029-0030] teach intended use for the entity).

Regarding **claims 21 and 48,** Alberth and Robinson teach the method according to Claims 1, 26, Alberth further teaches wherein enabling a mode comprises: selectively enabling a first communications mode comprising a first air interface protocol that uses a first set of frequencies to transmit/receive information based upon Orthogonal Frequency Division Multiplexing (OFDM) **and/or** Orthogonal Frequency Division Multiple Access (OFDMA) (Fig. 3 shows short range and WAN reads on the claim).

Regarding **claims 22 and 49,** Alberth and Robinson teach the method according to Claims 21, 48, Alberth further teaches wherein the first air interface protocol is further based upon Time Division Duplex (TDD) operation wherein the first set of frequencies are used to transmit information over a first time interval and are also used to receive information over a second time interval (Fig. 3 shows short range and WAN reads on the claim and par [0003] teach the different frequencies).

Regarding **claims 23 and 50,** Alberth and Robinson teach the method according to Claims 21, 48, Alberth further teaches wherein the first set of frequencies comprises licensed and/or un-licensed frequencies (par [0003]).

Regarding **claims 24 and 51,** Alberth and Robinson teach the method according to Claims 21, 48, Alberth further teaches comprising: selectively disabling a second communications mode comprising a second air interface protocol that uses a second set of frequencies to transmit/receive information (pars [0003-0005]).

Regarding **claims 25 and 52,** Alberth and Robinson teach the method according to Claims 24, 51, Alberth further teaches wherein the second air interface differs from the first air interface **and/or** the second set of frequencies differs, in **at least one** frequency, from the first set of frequencies (Fig. 3 teach short range and WAN, pars [0003-0005] teach the different frequencies).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL T. VU whose telephone number is (571)272-8131. The examiner can normally be reached on 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles N. Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MICHAEL T VU/
Examiner, Art Unit 2641

Notice of References Cited	Application/Control No. 12/264,711	Applicant(s)/Patent Under Reexamination KARABINIS ET AL.	
	Examiner MICHAEL T. VU	Art Unit 2641	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2007/0250393	10-2007	Alberth et al.	705/026
*	B	US-2008/0306868	12-2008	Robinson et al.	705/40
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	Art Unit
	MICHAEL VU	2617

CPC- SEARCHED		
Symbol	Date	Examiner
H04W 64/00, H04W 4/02, H04W 48/04	5/20/2014	MTV

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
455	456.1-456.5, 426.1, 705	5/20/2014	MTV
	See Searched History	5/20/2014	MTV

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor Name: Karabinis Peter	5/20/2014	MTV
Assignee: Telcom Ventures, Inc.	5/20/2014	MTV
Double Patent Checked	5/20/2014	MTV
Update EAST Search System	5/20/2014	MTV

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

/MICHAEL T VU/ Examiner.Art Unit 2641	05/20/2014

IPR2025-01239
Apple EX1044 Page 207

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	Art Unit
	MICHAEL VU	2617

✓	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	05/20/2014								
	1	✓								
	2	✓								
	3	✓								
	4	✓								
	5	✓								
	6	✓								
	7	✓								
	8	✓								
	9	✓								
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	11	✓								
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	34	✓								
	35	✓								
	36	✓								

IPR2025-01239
Apple EX1044 Page 208

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	Art Unit
	MICHAEL VU	2617

✓	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	05/20/2014								
	37	✓								
	38	✓								
	39	✓								
	40	✓								
	41	✓								
	42	✓								
	43	✓								
	44	✓								
	45	✓								
	46	✓								
	47	✓								
	48	✓								
	49	✓								
	50	✓								
	51	✓								
	52	✓								
	53	✓								
	54	✓								

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	287974	H04W 64/00.CPC.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:25
L2	287974	H04W 4/02.CPC.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:25
L3	287974	H04W 48/04.CPC.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:25
L5	22	(mobile cell cellular pda phone) same ((pay adj toll) paytoll) same (transponder RFID) same (charg$4 bill$4 transaction)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:26
L6	1	1 and 5	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:26
L8	117	(mobile cell cellular pda phone) same ((pay adj toll) paytoll toll) same (transponder RFID) same (charg$4 bill$4 transaction)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:27
L9	5	1 and 8	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:27
L10	7	("20070066226" | "20070247333" | "20080086240" | "20100207754" | "20110039571" | "7139589" | "7539500").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2014/05/20 15:27
L11	5	2 and 8	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:28
L12	35	((pay adj toll) pay-toll) same (bill$3 charg$3 authoriz$6 transaction) same (master owner primary)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:28

IPR2025-01239
Apple EX1044 Page 210

L13	2	3 and 12	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:28
L14	17	("20010037174" | "20030115095" | "20030195697" | "20050107951" | "20070142050" | "20080030376" | "4676187" | "5184303" | "5509052" | "5550738" | "5694322" | "5970481" | "5974356" | "6199010" | "6594576" | "6705521" | "6741927").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2014/05/20 15:28
L16	529	(mobile cell cellular pda phone) same ((pay adj toll) paytoll toll) same (charg$4 bill$4 transaction) same (primary owner authoriz$5)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:30
L17	15	1 and 16	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:30
L18	15	2 and 16	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:31
L19	15	3 and 16	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:31
L20	35	((pay adj toll) pay-toll) same (bill$3 charg$3 authoriz$6 transaction) same (master owner primary)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:31
L21	2	2 and 20	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:31
S1	1	12/264711	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 11:14
S2	1	12/264711 and "16"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 11:30
S3	1	12/264711 and entity	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 11:32
S4	15	financial near transaction same payment near3 toll	US-PGPUB; USPAT; USOCR;	OR	OFF	2011/09/13 11:52

			EPO; JPO; DERWENT			
S5	8905	455/456.1-456.6.ccls.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:01
S6	2466044	first same second same (mobile pda cell cellular portable phone device)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:02
S8	9883	first same second same (mobile pda cell cellular portable phone device) same entity	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:03
S10	222	S5 and S8	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:04
S12	3555	entity same (detect$3 associat$4) same first same second same (mobile pda cell cellular portable phone device)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:05
S13	88	S5 and S12	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:05
S14	87	entity same (detect$3 associat$4) same first same second same (mobile pda cell cellular portable phone device) and (position location) same velocity same time	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:10
S15	5	S5 and S14	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:10
S16	1	entity same (detect$3 associat$4) same first same second same (mobile pda cell cellular portable phone device) and (position location) same velocity and time-of-day	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:16
S17	286	(detect$3 associat$4) same first same second same (mobile pda cell cellular portable phone device) and (position location) and pay$6 near2 toll	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:18
S18	4	S5 and S17	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:18
S19	275	first near4 (mobile pda cell cellular portable phone device) same second near4 (mobile pda cell cellular portable	US-PGPUB; USPAT; USOCR;	OR	OFF	2011/09/13 12:20

		phone device) and pay$6 near2 toll	EPO; JPO; DERWENT			
S20	9	S5 and S19	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:20
S21	411	(payment toll) same (master slave) same (phone portable mobile cell cellular pda)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:31
S22	2	S5 and S21	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:31
S24	55	(pay$4 near2 toll) same (first master) same (second slave) same (phone portable mobile cell cellular pda device)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:42
S25	339	karabinis near2 peter.in.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/19 15:59
S26	466	time-of-day and velocity and entity	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/19 16:00
S27	5	S25 and S26	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/19 16:00
S28	1	12/264711 and detector	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2012/02/03 16:07
S29	1	12/264711 and value same satisf$7	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2012/02/03 16:27
S30	6	(mobile cell cellular pda phone) same payroll same (met satisf$7)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2012/02/03 16:31
S31	1	(mobile cell cellular pda phone) same ((pay adj toll) paytoll) same (met satisf$7)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2012/02/03 16:32
S32	145	(mobile cell cellular pda phone) same ((pay adj toll) paytoll)	US-PGPUB; USPAT; USOCR;	OR	ON	2012/02/03 16:36

			EPO; JPO; DERWENT			
S33	1204055	(time-of-day TOD ToM ToY velocity)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2012/02/03 16:38
S34	14	S32 and S33	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2012/02/03 16:38
S36	28	(mobile cell cellular pda phone) same ((pay adj toll) paytoll purchas$5) same respon$6 near2 value	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2012/02/03 16:52
S38	8	(mobile cell cellular pda phone) same ((pay adj toll) paytoll) same value	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2012/02/03 16:56
S39	4	("20030187571" | "20070176771" | "20090143966" | "6012012").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2012/02/03 17:16
S40	23	("7133659" | "20060145893" | "20070285280" | "7822644" | "7028897" | "RE39736" | "20070167147" | "20080167966" | "20060009234" | "6769607" | "7155199" | "20040030601").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2012/02/03 17:29
S41	1	12/264711	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/15 16:24
S42	1	12/264711 and second near device	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/15 16:26
S43	1	12/264711 and mode	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/15 16:39
S44	878	(deduct$4 withdrawn$3 charg$4 paid pay$3) same (toll$3) same (master owner)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 21:20
S45	202	(deduct$4 withdrawn$3 charg$4 paid pay$3) same (toll$3) same (master owner slave) same (first second)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 21:22
S47	15	(deduct$4 withdrawn$3 charg$4 paid pay$3) same (toll$3) same (master owner slave) same (first second) same (RFID tag)	US-PGPUB; USPAT; USOCR; EPO; JPO;	OR	ON	2014/05/16 21:22

			DERWENT			
S48	21	(deduct$4 withdrawn$3 charg$4 paid pay$3) same (toll$3) same (master owner slave) same ((first second) near3 (device user))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 21:27
S49	82	(deduct$4 withdrawn$3 charg$4 paid pay$3) with (master owner) same (toll$3) same (transponder RFID tag$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 21:39
S50	83	(master primary owner) with (deduct$4 withdrawn$3 charg$4 paid pay$3) same (toll$3) same (transponder RFID tag$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 22:13
S51	17	(First primary multiple plurality) near2 (RFID tag$2) same (toll$3) same (bill$3 charg$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 22:25
S52	5	(toll) with non-member	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:35
S53	145	(toll) same (transaction) same member	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:36
S54	99	(toll) with (transaction) same member	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:36
S55	0	((pay adj toll) pay-toll) with (transaction) same member	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:37
S56	2	((pay adj toll) pay-toll) same (transaction) same member	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:37
S57	35	((pay adj toll) pay-toll) same (bill$3 charg$3 authoriz$6 transaction) same (master owner primary)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:55

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Doc code: IDS
Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-10)
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	12264711
Filing Date	2008-11-04
First Named Inventor	KARABINIS, PETER D.
Art Unit	2641
Examiner Name	VU, MICHAEL T
Attorney Docket Number	8382-3

U.S.PATENTS

Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1					

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U.S.PATENT APPLICATION PUBLICATIONS

Examiner Initial*	Cite No	Publication Number	Kind Code[1]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	20080140868		2008-06-12	KALAYJIAN, ET AL.	

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FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2] i	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]
	1							☐

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NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]

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IPR2025-01239
Apple EX1044 Page 216

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12264711
	Filing Date	2008-11-04
	First Named Inventor	KARABINIS, PETER D.
	Art Unit	2641
	Examiner Name	VU, MICHAEL T
	Attorney Docket Number	8382-3

	1		☐

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EXAMINER SIGNATURE

Examiner Signature	/Michael Vu/	Date Considered	05/19/2014

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

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IPR2025-01239
Apple EX1044 Page 217

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	12264711
Filing Date	2008-11-04
First Named Inventor	KARABINIS, PETER D.
Art Unit	2641
Examiner Name	VU, MICHAEL T
Attorney Docket Number	8382-3

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

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

Signature	/Pablo Meles/	Date (YYYY-MM-DD)	2013-03-07
Name/Print	Pablo Meles	Registration Number	33,739

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IPR2025-01239
Apple EX1044 Page 218

DOCKET NO. 028780-000060 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	Peter D. Karabinis	Conf. No.:	1684
Application No.	12/264,711	Group Art Unit:	2641
Filed:	November 4, 2008	Examiner:	Michael T. Vu
For:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO PROXIMITY CRITERION		

AMENDMENT UNDER 37 C.F.R. 1.111

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

September 3, 2014

Dear Commissioner:

This is in response to the Non-Final Office Action dated June 3, 2014, and having a period for response set to expire on September 3, 2014.

The following amendments and remarks are respectfully submitted. Reconsideration of the claims is respectfully requested.

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

Remarks/Arguments begin on page 7 of this paper.

IPR2025-01239
Apple EX1044 Page 219

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application. Currently amended claims are shown with additions underlined and deletions in ~~strikethrough text~~ except double brackets may be placed before and after the deleted characters to show deletion of five or fewer characters.

1. (Currently Amended) A method comprising:

detecting that a proximity criterion is satisfied between a ~~first device~~ smartphone and a building ~~an entity~~; and

preferentially communicating using a first air interface that is based upon an OFDM/OFDMA protocol while refraining from communicating using a second air interface responsive to the proximity criterion being detected as being satisfied and the smartphone receiving an identification that the smartphone recognizes ~~enabling a mode of the first device and a mode of a second device responsive to the detecting and responsive to a value that is associated with at least one of a position, velocity and a Time-of-Day being satisfied by the first device, wherein the first device is remote from the second device~~;

wherein ~~the second device is not the entity and is not associated with the entity, and wherein the entity is not involved in providing a communications service to the first and/or second device~~ the first air interface is not used when the smartphone does not receive an identification that the smartphone recognizes even though the proximity criterion has been detected as being satisfied.

2. (Currently Amended) The method according to Claim 1, wherein the detecting is performed by the ~~first device, by the second device,~~ smartphone, by a device that is associated with the building ~~entity,~~ [[or]] by a system that is associated with the ~~first and/or second devices~~ smartphone, or a combination thereof.

IPR2025-01239
Apple EX1044 Page 220

3. (Currently Amended) The method according to Claim 1, wherein a selecting between the first air interface and the second air interface ~~the enabling~~ is performed by the ~~first device, by the second device,~~ smartphone, by a device that is associated with the building ~~entity,~~ [[and]] by a system that is associated with the ~~first and second devices~~ smartphone, or a combination thereof.

4. (Currently Amended) The method according to Claim 1, wherein; ~~the first device comprises a wireless communications device and/or the second device comprises a wireless communications device~~

the receiving of the identification that the smartphone recognizes comprises:

receiving an identification; and

comparing the received identification to a predetermined list of identifications and finding a match therebetween.

5. (Currently Amended) The method according to Claim [[2]]1, ~~wherein the system comprises a wireless communications system~~ further comprising enabling a mode of a device other than the smartphone responsive to the smartphone receiving the identification.

6. (Currently Amended) The method according to Claim 1, wherein detecting comprises:

using position information associated with the ~~first device~~ smartphone;

~~using position information associated with the second device;~~

detecting a signal that is being radiated by the ~~first device~~ smartphone;

~~detecting a signal that is being radiated by the second device; and~~

detecting a signal that is being radiated by a device that is associated with the building ~~entity~~; or

a combination thereof.

7 – 8. (Cancelled)

IPR2025-01239
Apple EX1044 Page 221

9. (Currently Amended) The method according to Claim 1, further comprising performing a function responsive to the detecting and the receipt of the identification, ~~enabling~~ the function comprising a financial transaction.

10 – 21. (Cancelled)

22. (Currently Amended) The method according to Claim [[21]]1, wherein the first air interface ~~protocol~~ is further based upon Time Division Duplex ~~(TDD) operation~~ wherein [[the]] a first set of frequencies are used to transmit information ~~over a first time interval~~ and are also used to receive information ~~over a second time interval~~.

23 – 25. (Cancelled)

26. (Currently Amended) A system comprising:

a smartphone; and

a detector ~~that is~~ configured to detect ~~enable a mode of a first device and to enable a mode of a second device responsive to a detection~~ that a proximity criterion is satisfied between the ~~first device~~ smartphone and a building ~~an entity and responsive to at least one of a position, velocity and a Time-of-Day~~; wherein

the smartphone is configured to preferentially communicate using a first air interface that is based upon an OFDM/OFDMA protocol while refraining from communicating using a second air interface responsive to the detector detecting the proximity criterion and the smartphone receiving an identification that the smartphone recognizes; and

~~wherein the second device is remote from the first device, is not the entity, and is not associated with the entity, and wherein the entity is not involved in providing a communications service to the first and/or second device~~ the smartphone is configured to not use the first air interface when the smartphone does not receive an identification that the smartphone recognizes even though the detector detects that the proximity criterion has been satisfied.

27. (Currently Amended) The system according to Claim 26, wherein the detection is performed by ~~first device, by the second device,~~ the smartphone, by a device that is associated with the building ~~entity,~~ [[and/or]] by a system that is associated with the ~~first and/or second devices~~ smartphone, or a combination thereof.

28. (Currently Amended) The system according to Claim 26, wherein the first air interface ~~mode~~ is enabled by the ~~first device, by the second device,~~ smartphone, by a device that is associated with the building ~~entity,~~ [[and/or]] by a system that is associated with the ~~first and second devices~~ smartphone, or a combination thereof.

29. (Currently Amended) The system according to Claim 26, wherein ~~;~~ ~~the first device comprises a wireless communications device and/or the second device comprises a wireless communications device~~

the smartphone recognizes the identification by:

receiving an identity; and

comparing the received identity to a predetermined list of identities and finding a match therebetween.

30. (Currently Amended) The system according to Claim [[27]] 26, further comprising ~~herein the system comprises a wireless communications system~~ a device other than the smartphone configured to have a mode of operation enabled responsive to the smartphone receiving the identification that is recognized.

31. (Canceled)

32. (Currently Amended) The system according to Claim 26, wherein the ~~detection comprises~~ detector:

uses ~~use of~~ position information associated with the ~~first device~~ smartphone;

~~use of position information associated with the second device;~~

detects ~~a detection of~~ a signal that is being radiated by the ~~first device~~ smartphone;

IPR2025-01239
Apple EX1044 Page 223

~~a detection of a signal that is being radiated by the second device; and~~

detects ~~a detection of~~ a signal that is being radiated by a device that is associated with the ~~entity~~ building; or

a combination thereof.

33-34. (Canceled)

35. (Currently Amended) The system according to Claim 26, wherein the smartphone is ~~first device and/or the second device is/are~~ configured to perform a function responsive to the ~~mode having been enabled by the~~ detector having detected that the proximity condition is satisfied and the smartphone receiving the identification, the function comprising a financial transaction.

36-48. (Canceled)

49. (Currently Amended) The system according to Claim [[48]] 26, wherein the first air interface ~~protocol~~ is ~~further~~ based upon Time Division Duplex ~~(TDD) operation~~ wherein [[the]] a first set of frequencies are used to transmit information ~~over a first time interval~~ and are also used to receive information ~~over a second time interval~~.

50-54. (Canceled)

Remarks/Arguments

On page 3 of the Office Action, claims 1-54 stand rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Alberth et al. (US 2007/0250393) in view of Robinson et al. (US 2008/0306868). Claims 1 and 26 are independent claims, claims 2-6, 9, and 22 depend on claim 1, and claims 27-30, 32, 35, and 49 depend on claim 26. The remaining claims have been canceled. The claims have been amended. Support for the amendments may be found in at least par. [0013]-[0017], [0020], [0028]-[0031], [0040], [0043], and [0046] of the specification as filed. No new matter is added. The applicants respectfully traverse the rejection for at least the reason that Alberth in view of Robinson does not teach or suggest every element of claims 1 and 26.

Claim 1 includes, *inter alia*, "detecting that a proximity criterion is satisfied between a smartphone and a building; and preferentially communicating using a first air interface that is based upon an OFDM/OFDMA protocol while refraining from communicating using a second air interface responsive to the proximity criterion being detected as being satisfied and the smartphone receiving an identification that the smartphone recognizes; wherein the first air interface is not used when the smartphone does not receive an identification that the smartphone recognizes even though the proximity criterion has been detected as being satisfied." Claim 26 includes similar features. In claim 1, a smartphone preferentially communicates using a first air interface (e.g., with a femtocell when proximate thereto) while refraining from communicating using a second air interface (e.g., with a base station), even if the smartphone is capable of communicating using the second air interface when proximate to the building. For example, the smartphone may refrain from communicating with the base station when proximate to the femtocell. However, the smartphone must receive an identification that it recognizes in order to communicate using the first air interface and refrain from communicating using the second air interface. Thus, communicating using the first air interface may only be triggered by a femtocell known to the smartphone, for example.

Alberth is directed to mobile devices detecting the presence of other mobile devices and authorizing a communication with an entity in response. See abstract of Alberth. In Alberth, related communication devices 102, 104 within a group establish rules 106 among themselves to

avoid duplicating transmissions from the group, such as payment transmissions, to an entity. See par. [0010]-[0013] of Alberth. Note that contrary to the Office Action, the box labeled "establish rules" 106 is not an entity. It is a box in a flow chart indicating that first device 102 and second device 104 are connected. Alberth does not disclose "preferentially communicating using a first air interface that is based upon an OFDM/OFDMA protocol while refraining from communicating using a second air interface responsive to the proximity criterion being detected as being satisfied and the smartphone receiving an identification that the smartphone recognizes; wherein the first air interface is not used when the smartphone does not receive an identification that the smartphone recognizes even though the proximity criterion has been detected as being satisfied."

The Examiner cites Robinson for allegedly teaching wherein the second device is not the entity and is not associated with the entity, and wherein the entity is not involved in providing a communications service to the first and/or second device. Robinson is directed to toll utilization by a transport in a fleet. See abstract of Robinson. The only devices in Robinson are devices in the vehicles of the fleet. Each member of the fleet is related to one another for toll purposes, because each member of the fleet is associated with the same customer account. The customer is billed once for the combined tolls of each vehicle in the fleet. See par. [0032] of Robinson. Robinson does not disclose, teach, or suggest at least "preferentially communicating using a first air interface that is based upon an OFDM/OFDMA protocol while refraining from communicating using a second air interface responsive to the proximity criterion being detected as being satisfied and the smartphone receiving an identification that the smartphone recognizes; wherein the first air interface is not used when the smartphone does not receive an identification that the smartphone recognizes even though the proximity criterion has been detected as being satisfied."

For at least the foregoing reasons, Alberth in view of Robinson does not teach or suggest every element of claims 1 and 26, and claims 1 and 26 should be allowed. Claims 2-6, 9 and 22 depend on claim 1, and claims 27-30, 32, 35 and 49 depend on claim 26, so these claims should be allowed for at least the same reasons.

The application has been amended to place the application condition for allowance. All amendments are supported by the specification. An early notice of allowance is earnestly solicited.

Please charge any shortage in the fees or credit any overpayment to Deposit Account No. 50-3266.

Respectfully submitted,

DLA PIPER LLP US

/Dale S. Lazar/

Dale S. Lazar
Registration No. 28,872
Attorney for Applicant

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Electronic Acknowledgement Receipt

EFS ID:	20016301
Application Number:	12264711
International Application Number:	
Confirmation Number:	1684
Title of Invention:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION
First Named Inventor/Applicant Name:	PETER D. KARABINIS
Customer Number:	11753
Filer:	Dale S. Lazar/Ava M. Dixon
Filer Authorized By:	Dale S. Lazar
Attorney Docket Number:	8382-3
Receipt Date:	03-SEP-2014
Filing Date:	04-NOV-2008
Time Stamp:	18:39:47
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	028780-000060_POA.pdf	285983 8b60988a011f027e831a447e605371f0749c633c	no	2

Warnings:	
Information:	

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Apple EX1044 Page 228

2	Assignee showing of ownership per 37 CFR 3.73.	028780-000060_373cStatement.pdf	118289 3af8beb56900dcb6995a9953a605a921ca8b0618	no	3
Warnings:					
Information:					
3		028780-000060_Amendment.pdf	102299 f542f069d8e860278fb42eed900b04c6f450805f	yes	9

	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	9

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Application Number	12/264,711
Filing Date	November 4, 2008
First Named Inventor	Peter D. Karabinis
Title	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO PROXIMITY CRITERION
Art Unit	2641
Examiner Name	Michael T. Vu
Attorney Docket Number	028780-000060

SIGNATURE of Applicant or Patent Practitioner

Signature	/Dale S. Lazar/	Date (Optional)	September 3, 2014
Name	Dale S. Lazar	Registration Number	28,872
Title (if Applicant is a juristic entity)			
Applicant Name (if Applicant is a juristic entity)			

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. If more than one applicant, use multiple forms.

☑ *Total of 1 forms are submitted.

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☒ I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A or equivalent):

47604

OR

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A or equivalent):

Name	Registration Number	Name	Registration Number

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☒ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

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Address					
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Country					
Telephone		Email			

I am the Applicant:

☐ Inventor or Joint Inventor

☐ Legal Representative of a Deceased or Legally Incapacitated Inventor

☒ Assignee or Person to Whom the Inventor is Under an Obligation to Assign

☐ Person Who Otherwise Shows Sufficient Proprietary Interest (*e.g.*, a petition under 37 CFR 1.46(b)(2) was granted in the application or is concurrently being filed with this document)

SIGNATURE of Applicant for Patent

Signature	Serge G. Martin Executive Vice President	Date	4-25-2013
Name		Telephone	305-577-7095
Title and Company	Telcom Ventures, LLC		

NOTE: Signature - This form must be signed by the applicant in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms for more than one signature, see below *.

☒ *Total of 1 forms are submitted.

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STATEMENT UNDER 37 CFR 3.73(c)

Applicant/Patent Owner: Peter D. Karabinis

Application No./Patent No.: 12/264,711 Filed/Issue Date: November 4, 2008

Titled: MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO PROXIMITY CRITERION

Telcom Ventures, LLC, a Corporation

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that, for the patent application/patent identified above, it is (choose **one** of options 1, 2, 3 or 4 below):

1. ☑ The assignee of the entire right, title, and interest.

2. ☐ An assignee of less than the entire right, title, and interest (check applicable box):

   ☐ The extent (by percentage) of its ownership interest is _____%. Additional Statement(s) by the owners holding the balance of the interest must be submitted to account for 100% of the ownership interest.

   ☐ There are unspecified percentages of ownership. The other parties, including inventors, who together own the entire right, title and interest are:

   Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

3. ☐ The assignee of an undivided interest in the entirety (a complete assignment from one of the joint inventors was made). The other parties, including inventors, who together own the entire right, title, and interest are:

   Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

4. ☐ The recipient, via a court proceeding or the like (*e.g.*, bankruptcy, probate), of an undivided interest in the entirety (a complete transfer of ownership interest was made). The certified document(s) showing the transfer is attached.

The interest identified in option 1, 2 or 3 above (not option 4) is evidenced by either (choose **one** of options A or B below):

A. ☑ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 021783, Frame 0946, or for which a copy thereof is attached.

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

   The document was recorded in the United States Patent and Trademark Office at

   Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

   The document was recorded in the United States Patent and Trademark Office at

   Reel _____, Frame _____, or for which a copy thereof is attached.

This collection of information is required by37 CFR3.73(b). The information is required toobtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentialityis governed by35 U.S.C. 122and 37 CFR1.11 and1.14. Thiscollection is estimated to take 12 minutes to complete, including gathering, preparing, and submittingthe 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 tothe 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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STATEMENT UNDER 37 CFR 3.73(c)

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

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4. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

5. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

6. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☑ As required by 37 CFR 3.73(c)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/Dale S. Lazar/	September 3, 2014
Signature	Date
Dale S. Lazar	28,872
Printed or Typed Name	Title or Registration Number

Privacy Act Statement

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

The informationprovided 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 disclosure of these records is required by the Freedom of Information Act.
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 informationin 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 InternationalApplication 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, arecord 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 inspection or an issued patent.
9. A record from thissystem 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.

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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 12/264,711	Filing Date 11/04/2008	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT **09/03/2014**

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 16	Minus	** 54	= 0	X $40 =	0
Independent (37 CFR 1.16(h))	* 2	Minus	***4	= 0	X $210 =	0
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0

AMENDMENT

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

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

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

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

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

LIE
/SHAREILL COLES/

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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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/264,711	11/04/2008	PETER D. KARABINIS	028780-000060

CONFIRMATION NO. 1684

47604
DLA PIPER LLP US
P. O. BOX 2758
RESTON, VA 20195

POA ACCEPTANCE LETTER

OC00000070595673

Date Mailed: 09/08/2014

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/03/2014.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/agizaw/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

IPR2025-01239
Apple EX1044 Page 236

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/264,711	11/04/2008	PETER D. KARABINIS	8382-3

CONFIRMATION NO. 1684

POWER OF ATTORNEY NOTICE

11753
DUANE MORRIS LLP (prev. Boca Raton)
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103-4196

OC000000070595656

Date Mailed: 09/08/2014

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/03/2014.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/agizaw/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

IPR2025-01239
Apple EX1044 Page 237

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/264,711	11/04/2008	PETER D. KARABINIS	028780-000060	1684

47604 7590 09/17/2014

DLA PIPER LLP US
P. O. BOX 2758
RESTON, VA 20195

EXAMINER	
VU, MICHAEL T	

ART UNIT	PAPER NUMBER
2641	

NOTIFICATION DATE	DELIVERY MODE
09/17/2014	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):

PatentProsecutionRes@dlapiper.com

Office Action Summary	Application No. 12/264,711	Applicant(s) KARABINIS ET AL.	
	Examiner MICHAEL T. VU	Art Unit 2641	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 *09/03/2014*.

☐ 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) *1-6,9,22,26-30,32,35 and 49* 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) *1-6, 9, 22, 26-30, 32, 35, 49* is/are rejected.

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

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

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

Application Papers

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

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

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

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

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

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

4) ☐ Other: _____.

DETAILED ACTION

1. The present application is being examined under the pre-AIA first to invent provisions.

Response to Arguments

2. Applicant's arguments with respect to claims 1-6, 9, 22, 26-30, 32, 35, and 49 have been considered but are moot in view of the new ground(s) of rejection.

3. Applicant amended claims 1-6, 9, 22, 26-30, 32, 35 and 49.

4. Applicant canceled claims 7-8, 10-21, 23-25, 31, 33-34, 36-48 and 50-54.

Claim Rejections - 35 USC § 103

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

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

6. Claims 1-6, 9, 22, 26-30, 32, 35, 49 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Dankar et al (US 2008/0227471), hereinafter “Dankar“, in view of Shim et al (US 2007/0178935), hereinafter “Shim“.

Regarding **claims 1 and 26,** Dankar teaches a method comprising:

detecting that a proximity criterion is satisfied between a smartphone and a building (Abstract teach determine if the wireless device is in some proximity to some other activity source location reads on building); and

preferentially communicating using a first air interface that is based upon an OFDM/OFDMA protocol while refraining from communicating using a second air interface responsive to the proximity criterion being detected as being satisfied and the smartphone receiving an identification that the smartphone recognizes (pars [0008] [0014], [0035] [0045] teach identifying the activity or the financial transaction that used wireless network communication protocols reads on the first and second interfaces);

Dankar does not clearly teach wherein the first air interface is not used when the smartphone does not receive an identification that the smartphone recognizes even though the proximity criterion has been detected as being satisfied.

Shim, in the same field of endeavor, teaches wherein the first air interface is not used when the smartphone does not receive an identification that the smartphone recognizes even though the proximity criterion has been detected as being satisfied (Fig. 5 teach changing operation mode of dual mode phone/smartphone, e.g., CDMA/WiFi technologies, the CDMA module reads on the first air interface and WiFi module reads on second air interface based on comparison of positions and/or different of locations, see pars [0059-0060]).

Therefore, it would have been obvious to one skilled in the art at the time of the invention, to modify Dankar, with Shim's teaching, in order to use the first air interface is not used when the smartphone does not receive an identification that the smartphone

recognizes even though the proximity criterion has been detected as being satisfied, including means for extending the dual mode phone that supporting the Wifi and mobile communication services which preventing the waist of power resources as taught by Shim, (col. 1, pars [0007-0008]).

Regarding **claims 2 and 27,** Dankar and Shim teach the method according to Claims 1, 26, Dankar does not clearly teach wherein the detecting is performed by the smartphone, by a device that is associated with the building, by a system that is associated with smartphone, or a combination thereof.

Shim, in the same field of endeavor, teaches wherein the detecting is performed by the smartphone, by a device that is associated with the building, by a system that is associated with smartphone, or a combination thereof (par [0030] teach dual mode phone that associated with the building).

Therefore, it would have been obvious to one skilled in the art at the time of the invention, to modify Dankar, with Shim's teaching, in order to use the detecting is performed by the smartphone, by a device that is associated with the building, by a system that is associated with smartphone, or a combination thereof, including means for extending the dual mode phone that supporting the Wifi and mobile communication services which preventing the waist of power resources as taught by Shim, (col. 1, pars [0007-0008]).

Regarding **claims 3 and 28,** Dankar and Shim teach the method according to Claims 1, 26, Dankar does not clearly teach wherein a selecting between the first air interface and the second air interface is performed by smartphone, by a device that is associated with the building, by a system that is associated with smartphone, or a combination thereof.

Shim, in the same field of endeavor, teaches wherein a selecting between the first air interface and the second air interface is performed by smartphone, by a device that is associated with the building, by a system that is associated with smartphone, (par [0030] teach dual mode phone that associated with the building).

Therefore, it would have been obvious to one skilled in the art at the time of the invention, to modify Dankar, with Shim's teaching, in order to use a selecting between the first air interface and the second air interface is performed by smartphone, by a device that is associated with the building, by a system that is associated with smartphone, including means for extending the dual mode phone that supporting the Wifi and mobile communication services which preventing the waist of power resources as taught by Shim, (col. 1, pars [0007-0008]).

Regarding **claims 4 and 29,** Dankar and Shim teach the method according to Claims 1, 26, Dankar further teaches wherein; the receiving of the identification that the smartphone recognizes comprises: receiving an identification; and comparing the received identification to a predetermined list of identifications and finding a match therebetween (pars [0011-0013]).

Regarding **claims 5 and 30,** Dankar and Shim teach the method according to Claims 1, 26, Dankar does not clearly teach enabling a mode of a device other than the smartphone responsive to the smartphone receiving the identification.

Shim, in the same field of endeavor, teaches enabling a mode of a device other than the smartphone responsive to the smartphone receiving the identification (par [0030] teach enabling the dual mode).

Therefore, it would have been obvious to one skilled in the art at the time of the invention, to modify Dankar, with Shim's teaching, in order to use enabling a mode of a device other than the smartphone responsive to the smartphone receiving the identification, including means for extending the dual mode phone that supporting the Wifi and mobile communication services which preventing the waist of power resources as taught by Shim, (col. 1, pars [0007-0008]).

Regarding **claims 6 and 32,** Dankar and Shim teach the method according to Claim 1, Dankar does not clearly teach wherein detecting comprises: using position information associated with the smartphone; detecting a signal that is being radiated by the smartphone; detecting a signal that is being radiated by a device that is associated with the building; or a combination thereof.

Shim, in the same field of endeavor, teaches wherein detecting comprises: using position information associated with the smartphone; detecting a signal that is being radiated by the smartphone; detecting a signal that is being radiated by a device that is

associated with the building (par [0030] teach dual mode phone that associated with the building).

Therefore, it would have been obvious to one skilled in the art at the time of the invention, to modify Dankar, with Shim's teaching, in order to use detecting comprises: using position information associated with the smartphone; detecting a signal that is being radiated by the smartphone; detecting a signal that is being radiated by a device that is associated with the building, including means for extending the dual mode phone that supporting the Wifi and mobile communication services which preventing the waist of power resources as taught by Shim, (col. 1, pars [0007-0008]).

Regarding **claims 9 and 35,** Dankar and Shim teach the method according to Claims 1, 26, Dankar further teaches comprising performing a function responsive to the detecting and the receipt of the identification, enabling the function comprising a financial transaction (pars [0048] [0063] teach financial transaction or payment).

Regarding **claims 22 and 49,** Dankar and Shim teach the method according to Claims 1, 26, Dankar further teaches wherein the first air interface is further based upon Time Division Duplex wherein a first set of frequencies are used to transmit information and are also used to receive information (pars [0014-0015] teach long range and short range communication frequencies to receive information).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael T. Vu whose telephone number is (571)272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles N. Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/MICHAEL T VU/
Examiner, Art Unit 2641

/KIET DOAN/
Primary Examiner, Art Unit 2641

Notice of References Cited	Application/Control No. 12/264,711	Applicant(s)/Patent Under Reexamination KARABINIS ET AL.	
	Examiner MICHAEL T. VU	Art Unit 2641	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2008/0227471	09-2008	Dankar et al.	455/456.6
*	B	US-2007/0178935	08-2007	Shim et al.	455/552.1
	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.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	Art Unit
	MICHAEL VU	2617

CPC- SEARCHED		
Symbol	Date	Examiner
H04W 64/00, H04W 4/02, H04W 48/04	9/9/2014	MTV

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
455	456.1-456.5, 426.1, 705	9/9/2014	MTV
	See Searched History	9/9/2014	MTV

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor Name: Karabinis Peter	5/20/2014	MTV
Assignee: Telcom Ventures, Inc.	5/20/2014	MTV
Double Patent Checked	5/20/2014	MTV
Update EAST Search System	9/9/2014	MTV

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

/MICHAEL T VU/ Examiner.Art Unit 2641	05/20/2014

IPR2025-01239
Apple EX1044 Page 249

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	308133	h04w 64/00.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/10 09:54
L2	46	(dual-mode dual adj mode dualmode) with (identif$7) same (wimax wifi)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/10 09:55
L3	27	1 and 2	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/10 09:55
L4	308133	H04W 4/02.CPC.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/10 09:55
L5	27	2 and 4	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/10 09:55
S1	1	12/264711	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 11:14
S2	1	12/264711 and "16"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 11:30
S3	1	12/264711 and entity	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 11:32
S4	15	financial near transaction same payment near3 toll	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 11:52
S5	8905	455/456.1-456.6.ccls.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:01

S6	2466044	first same second same (mobile pda cell cellular portable phone device)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:02
S8	9883	first same second same (mobile pda cell cellular portable phone device) same entity	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:03
S10	222	S5 and S8	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:04
S12	3555	entity same (detect$3 associat$4) same first same second same (mobile pda cell cellular portable phone device)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:05
S13	88	S5 and S12	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:05
S14	87	entity same (detect$3 associat$4) same first same second same (mobile pda cell cellular portable phone device) and (position location) same velocity same time	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:10
S15	5	S5 and S14	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:10
S16	1	entity same (detect$3 associat$4) same first same second same (mobile pda cell cellular portable phone device) and (position location) same velocity and time-of-day	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:16
S17	286	(detect$3 associat$4) same first same second same (mobile pda cell cellular portable phone device) and (position location) and pay$6 near2 toll	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:18
S18	4	S5 and S17	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:18
S19	275	first near4 (mobile pda cell cellular portable phone device) same second near4 (mobile pda cell cellular portable phone device) and pay$6 near2 toll	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:20
S20	9	S5 and S19	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:20

S21	411	(payment toll) same (master slave) same (phone portable mobile cell cellular pda)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:31
S22	2	S5 and S21	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:31
S24	55	(pay$4 near2 toll) same (first master) same (second slave) same (phone portable mobile cell cellular pda device)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:42
S25	339	karabinis near2 peter.in.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/19 15:59
S26	466	time-of-day and velocity and entity	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/19 16:00
S27	5	S25 and S26	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/19 16:00
S28	1	12/264711 and detector	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2012/02/03 16:07
S29	1	12/264711 and value same satisf$7	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2012/02/03 16:27
S30	6	(mobile cell cellular pda phone) same payroll same (met satisf$7)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2012/02/03 16:31
S31	1	(mobile cell cellular pda phone) same ((pay adj toll) paytoll) same (met satisf$7)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2012/02/03 16:32
S32	145	(mobile cell cellular pda phone) same ((pay adj toll) paytoll)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2012/02/03 16:36
S33	1204055	(time-of-day TOD ToM ToY velocity)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2012/02/03 16:38

S34	14	S32 and S33	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2012/02/03 16:38
S36	28	(mobile cell cellular pda phone) same ((pay adj toll) paytoll purchas$5) same respon$6 near2 value	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2012/02/03 16:52
S38	8	(mobile cell cellular pda phone) same ((pay adj toll) paytoll) same value	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2012/02/03 16:56
S39	4	("20030187571" | "20070176771" | "20090143966" | "6012012").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2012/02/03 17:16
S40	23	("7133659" | "20060145893" | "20070285280" | "7822644" | "7028897" | "RE39736" | "20070167147" | "20080167966" | "20060009234" | "6769607" | "7155199" | "20040030601").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2012/02/03 17:29
S41	1	12/264711	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/15 16:24
S42	1	12/264711 and second near device	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/15 16:26
S43	1	12/264711 and mode	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/15 16:39
S44	878	(deduct$4 withdrawn$3 charg$4 paid pay$3) same (toll$3) same (master owner)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 21:20
S45	202	(deduct$4 withdrawn$3 charg$4 paid pay$3) same (toll$3) same (master owner slave) same (first second)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 21:22
S47	15	(deduct$4 withdrawn$3 charg$4 paid pay$3) same (toll$3) same (master owner slave) same (first second) same (RFID tag)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 21:22
S48	21	(deduct$4 withdrawn$3 charg$4 paid pay$3) same (toll$3) same (master owner slave) same ((first second) near3 (device user))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 21:27

S49	82	(deduct$4 withdrawn$3 charg$4 paid pay$3) with (master owner) same (toll$3) same (transponder RFID tag$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 21:39
S50	83	(master primary owner) with (deduct$4 withdrawn$3 charg$4 paid pay$3) same (toll$3) same (transponder RFID tag$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 22:13
S51	17	(First primary multiple plurality) near2 (RFID tag$2) same (toll$3) same (bill$3 charg$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 22:25
S52	5	(toll) with non-member	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:35
S53	145	(toll) same (transaction) same member	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:36
S54	99	(toll) with (transaction) same member	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:36
S55	0	((pay adj toll) pay-toll) with (transaction) same member	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:37
S56	2	((pay adj toll) pay-toll) same (transaction) same member	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:37
S57	35	((pay adj toll) pay-toll) same (bill$3 charg$3 authoriz$6 transaction) same (master owner primary)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:55
S58	287974	H04W 64/00.CPC.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:25
S59	287974	H04W 4/02.CPC.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:25
S60	287974	H04W 48/04.CPC.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:25

S62	22	(mobile cell cellular pda phone) same ((pay adj toll) paytoll) same (transponder RFID) same (charg$4 bill$4 transaction)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:26
S63	1	S58 and S62	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:26
S65	117	(mobile cell cellular pda phone) same ((pay adj toll) paytoll toll) same (transponder RFID) same (charg$4 bill$4 transaction)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:27
S66	5	S58 and S65	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:27
S67	7	("20070066226" | "20070247333" | "20080086240" | "20100207754" | "20110039571" | "7139589" | "7539500").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2014/05/20 15:27
S68	5	S59 and S65	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:28
S69	35	((pay adj toll) pay-toll) same (bill$3 charg$3 authoriz$6 transaction) same (master owner primary)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:28
S70	2	S60 and S69	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:28
S71	17	("20010037174" | "20030115095" | "20030195697" | "20050107951" | "20070142050" | "20080030376" | "4676187" | "5184303" | "5509052" | "5550738" | "5694322" | "5970481" | "5974356" | "6199010" | "6594576" | "6705521" | "6741927").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2014/05/20 15:28
S73	529	(mobile cell cellular pda phone) same ((pay adj toll) paytoll toll) same (charg$4 bill$4 transaction) same (primary owner authoriz$5)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:30
S74	15	S58 and S73	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:30
S75	15	S59 and S73	US-PGPUB; USPAT; USOCR; EPO; JPO;	OR	ON	2014/05/20 15:31

			DERWENT			
S76	15	S60 and S73	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:31
S77	35	((pay adj toll) pay-toll) same (bill$3 charg$3 authoriz$6 transaction) same (master owner primary)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:31
S78	2	S59 and S77	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:31
S79	0	12/264711 and smartphone and building	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2014/09/08 11:22
S80	1	12/264711	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2014/09/08 11:22
S81	5416	(phone mobile cell cellular pda) same (((Orthogonal adj Frequency adj Division adj Multiplexed) (Orthogonal adj Frequency adj Division adj Multiple adj Access)OFDM OFDMA)) same protocol	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 13:50
S82	23	(phone mobile cell cellular pda) same (((Orthogonal adj Frequency adj Division adj Multiplexed) (Orthogonal adj Frequency adj Division adj Multiple adj Access)OFDM OFDMA)) near4 protocol same (identif$6 RFID)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 13:51
S83	13004	(phone mobile cell cellular pda) same associat$6 same (identif$6 RFID) same (entity build$4 shopp$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 13:55
S84	246	(phone mobile cell cellular pda) same associat$6 same (identif$6 RFID) same (entity build$4 shopp$4) same (financial near2 transaction)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 13:57
S85	11	(phone mobile cell cellular pda) same associat$6 same (identif$6 RFID) same (entity build$4 shopp$4) same (financial near2 transaction) same ((short adj range) proximity)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 13:57
S86	17	11/933803	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 14:00
S87	19	(phone mobile cell cellular pda) same (identif$6 RFID) same (entity build$4	US-PGPUB; USPAT;	OR	ON	2014/09/08 14:07

		shopp$4) same (financial near2 transaction) same ((short adj range) proximity)	USOCR; EPO; JPO; DERWENT			
S88	19	(phone mobile cell cellular pda) same (identif$6 RFID) same (entity build$4 shopp$4) same (financial near2 transaction) same ((short adj range) proximity)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 14:11
S89	19	(phone mobile cell cellular pda) same (identif$6 RFID) same (entity build$4 shopp$4) same (financial near2 transaction) same ((short adj range) proximity wifi wimax)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 14:11
S90	0	(phone mobile cell cellular pda) same (identif$6 RFID) same (entity build$4 shopp$4) same (financial near2 transaction) same ((short adj range) proximity wifi wimax) and (OFDM OFDMA)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 14:11
S91	2	(phone mobile cell cellular pda) same (identif$6 RFID) same (entity build$4 shopp$4) same (financial near2 transaction) and ((short adj range) proximity wifi wimax) and (OFDM OFDMA)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 14:12
S96	1065	(dual-mode dual adj mode dualmode) with (identif$7)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/09 15:02
S97	46	(dual-mode dual adj mode dualmode) with (identif$7) same (wimax wifi)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/09 15:02
S98	2	(dual-mode dual adj mode dualmode) with (identif$7) same (wimax wifi) same build$3	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/09 15:03

9/ 10/ 2014 9:55:50 AM
C:\ Users\ mvu1\ Documents\ EAST\ Workspaces\ 12264711_Pay_Toll.wsp

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	Art Unit
	MICHAEL VU	2617

✓	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	09/09/2014								
	1	✓								
	2	✓								
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	9	✓								
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	34	-								
	35	✓								
	36	-								

IPR2025-01239
Apple EX1044 Page 258

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	Art Unit
	MICHAEL VU	2617

✓	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	09/09/2014								
	37	-								
	38	-								
	39	-								
	40	-								
	41	-								
	42	-								
	43	-								
	44	-								
	45	-								
	46	-								
	47	-								
	48	-								
	49	✓								
	50	-								
	51	-								
	52	-								
	53	-								
	54	-								

IPR2025-01239
Apple EX1044 Page 259

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/264,711	11/04/2008	PETER D. KARABINIS	028780-000060	1684

47604 7590 12/04/2014

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RESTON, VA 20195

EXAMINER
VU, MICHAEL T

ART UNIT	PAPER NUMBER
2641	

NOTIFICATION DATE	DELIVERY MODE
12/04/2014	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):

PatentProsecutionRes@dlapiper.com

Applicant-Initiated Interview Summary	Application No.	Applicant(s)	
	12/264,711	KARABINIS ET AL.	
	Examiner	Art Unit	
	MICHAEL T. VU	2641	

All participants (applicant, applicant's representative, PTO personnel):

(1) *MICHAEL T. VU*. (3)_____.

(2) *Nicholas J. Panno*. (4)_____.

Date of Interview: *26 November 2014*.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☒ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☐ No.
If Yes, brief description: _____.

Issues Discussed ☐101 ☐112 ☐102 ☐103 ☒Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: *1*.

Identification of prior art discussed: *Dankar*.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Applicant's representative (Mr. Panno) discussed and explained the invention of claim 1. In the mean time, the examiner and Mr. Panno have discussed the cited reference "Dankar". The examiner pointed out that "Danker" clearly teach a first mode which is a long rang/OFDM comminication, and a second mode is a Near Field Communication/RFID/short ramge communication used to facilitate the geographic location comparison. The mobile device is automatically switched to the short range when the mobile is located inside the building which reads on the claim limitations.

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/MICHAEL T VU/ Primary Examiner, Art Unit 2641	11/26/2014

IPR2025-01239
Apple EX1044 Page 261

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:
1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
   (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Doc Code: A.NE.AFCP
Document Description: After Final Consideration Pilot Program Request

PTO/SB/434 (05-13)

CERTIFICATION AND REQUEST FOR CONSIDERATION UNDER THE AFTER FINAL CONSIDERATION PILOT PROGRAM 2.0

Practitioner Docket No.:	Application No.:	Filing Date:
028780-000060	12/264,711	November 4, 2008
First Named Inventor:	**Title:**	
Peter D. Karabinis	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO PROXIMITY CRITERION	

APPLICANT HEREBY CERTIFIES THE FOLLOWING AND REQUESTS CONSIDERATION UNDER THE AFTER FINAL CONSIDERATION PILOT PROGRAM 2.0 (AFCP 2.0) OF THE ACCOMPANYING RESPONSE UNDER 37 CFR 1.116.

1. The above-identified application is (i) an original utility, plant, or design nonprovisional application filed under 35 U.S.C. 111(a) [a continuing application (*e.g.*, a continuation or divisional application) is filed under 35 U.S.C. 111(a) and is eligible under (i)], or (ii) an international application that has entered the national stage in compliance with 35 U.S.C. 371(c).
2. The above-identified application contains an outstanding final rejection.
3. Submitted herewith is a response under 37 CFR 1.116 to the outstanding final rejection. The response includes an amendment to at least one independent claim, and the amendment does not broaden the scope of the independent claim in any aspect.
4. This certification and request for consideration under AFCP 2.0 is the only AFCP 2.0 certification and request filed in response to the outstanding final rejection.
5. Applicant is willing and available to participate in any interview requested by the examiner concerning the present response.
6. This certification and request is being filed electronically using the Office's electronic filing system (EFS-Web).
7. Any fees that would be necessary consistent with current practice concerning responses after final rejection under 37 CFR 1.116, *e.g.*, extension of time fees, are being concurrently filed herewith. [There is no additional fee required to request consideration under AFCP 2.0.]
8. By filing this certification and request, applicant acknowledges the following:

- Reissue applications and reexamination proceedings are not eligible to participate in AFCP 2.0.
- The examiner will verify that the AFCP 2.0 submission is compliant, *i.e.*, that the requirements of the program have been met (see items 1 to 7 above). For compliant submissions:
  - The examiner will review the response under 37 CFR 1.116 to determine if additional search and/or consideration (i) is necessitated by the amendment and (ii) could be completed within the time allotted under AFCP 2.0. If additional search and/or consideration is required but cannot be completed within the allotted time, the examiner will process the submission consistent with current practice concerning responses after final rejection under 37 CFR 1.116, *e.g.*, by mailing an advisory action.
  - If the examiner determines that the amendment does not necessitate additional search and/or consideration, or if the examiner determines that additional search and/or consideration is required and could be completed within the allotted time, then the examiner will consider whether the amendment places the application in condition for allowance (after completing the additional search and/or consideration, if required). If the examiner determines that the amendment does not place the application in condition for allowance, then the examiner will contact the applicant and request an interview.
    - The interview will be conducted by the examiner, and if the examiner does not have negotiation authority, a primary examiner and/or supervisory patent examiner will also participate.
    - If the applicant declines the interview, or if the interview cannot be scheduled within ten (10) calendar days from the date that the examiner first contacts the applicant, then the examiner will proceed consistent with current practice concerning responses after final rejection under 37 CFR 1.116.

Signature	Date
/Dale S. Lazar/	December 17, 2014
Name (Print/Typed) Dale S. Lazar	**Practitioner Registration No.** 28,872

Note: *This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.*

[✓] * Total of 1 forms are submitted.

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 disclosure of these records is required by the Freedom of Information Act.
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 inspection 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.

DOCKET NO. 028780-000060 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	Peter D. Karabinis	Conf. No.:	1684
Application No.	12/264,711	Group Art Unit:	2641
Filed:	November 4, 2008	Examiner:	Michael T. Vu

For: MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO PROXIMITY CRITERION

AFTER FINAL AMENDMENT UNDER 37 C.F.R. 1.116

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

December 17, 2014

Dear Commissioner:

This is in response to the Final Office Action dated September 17, 2014, and having a period for response set to expire on December 17, 2014.

The following amendments and remarks are respectfully submitted. Reconsideration of the claims is respectfully requested.

Amendments begin on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

IPR2025-01239
Apple EX1044 Page 265

Amendments:

1. (Currently Amended) A method comprising:

detecting that a proximity criterion is satisfied between a smartphone and a building; and

preferentially communicating by the smartphone using a first air interface that is based upon an OFDM/OFDMA protocol while refraining from communicating by the smartphone using a second air interface responsive to the proximity criterion being detected as being satisfied and the smartphone receiving an identification that the smartphone recognizes;

wherein the first air interface is not used when the smartphone does not receive an identification that the smartphone recognizes even though the proximity criterion has been detected as being satisfied.

2. (Previously Presented) The method according to Claim 1, wherein the detecting is performed by the smartphone, by a device that is associated with the building, by a system that is associated with the smartphone, or a combination thereof.

3. (Previously Presented) The method according to Claim 1, wherein a selecting between the first air interface and the second air interface is performed by the smartphone, by a device that is associated with the building, by a system that is associated with the smartphone, or a combination thereof.

4. (Previously Presented) The method according to Claim 1, wherein the receiving of the identification that the smartphone recognizes comprises:

receiving an identification; and

comparing the received identification to a predetermined list of identifications and finding a match therebetween.

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5. (Previously Presented) The method according to Claim 1, further comprising enabling a mode of a device other than the smartphone responsive to the smartphone receiving the identification.

6. (Previously Presented) The method according to Claim 1, wherein detecting comprises:

using position information associated with the smartphone;

detecting a signal that is being radiated by the smartphone;

detecting a signal that is being radiated by a device that is associated with the building; or a combination thereof.

7 – 8. (Cancelled)

9. (Previously Presented) The method according to Claim 1, further comprising performing a function responsive to the detecting and the receipt of the identification, the function comprising a financial transaction.

10 – 21. (Cancelled)

22. (Previously Presented) The method according to Claim 1, wherein the first air interface is further based upon Time Division Duplex wherein a first set of frequencies are used to transmit information and are also used to receive information.

23 – 25. (Cancelled)

26. (Currently Amended) A system comprising:

a smartphone; and

a detector configured to detect that a proximity criterion is satisfied between the smartphone and a building;

wherein the smartphone is configured to perform operations comprising:

preferentially ~~communicate~~ communicating using a first air interface that is based upon an OFDM/OFDMA protocol while refraining from communicating using a second air interface responsive to the detector detecting the proximity criterion as satisfied and the smartphone receiving an identification that the smartphone recognizes; and

refraining from using ~~the smartphone is configured to not use~~ the first air interface when the smartphone does not receive an identification that the smartphone recognizes even though the detector detects that the proximity criterion has been satisfied.

27. (Previously Presented) The system according to Claim 26, wherein the detection is performed by the smartphone, by a device that is associated with the building, by a system that is associated with the smartphone, or a combination thereof.

28. (Previously Presented) The system according to Claim 26, wherein the first air interface is enabled by the smartphone, by a device that is associated with the building, by a system that is associated with the smartphone, or a combination thereof.

29. (Previously Presented) The system according to Claim 26, wherein the smartphone recognizes the identification by:

receiving an identity; and

comparing the received identity to a predetermined list of identities and finding a match therebetween.

30. (Previously Presented) The system according to Claim 26, further comprising a device other than the smartphone configured to have a mode of operation enabled responsive to the smartphone receiving the identification that is recognized.

31. (Canceled)

32. (Previously Presented) The system according to Claim 26, wherein the detector:

uses position information associated with the smartphone;

detects a signal that is being radiated by the smartphone;

detects a signal that is being radiated by a device that is associated with the building; or

a combination thereof.

33-34. (Canceled)

35. (Previously Presented) The system according to Claim 26, wherein the smartphone is configured to perform a function responsive to the detector having detected that the proximity condition is satisfied and the smartphone receiving the identification, the function comprising a financial transaction.

36-48. (Canceled)

49. (Previously Presented) The system according to Claim 26, wherein the first air interface is based upon Time Division Duplex wherein a first set of frequencies are used to transmit information and are also used to receive information.

50-54. (Canceled)

Remarks/Arguments

The kindness and helpfulness of Examiner Vu during the telephone interview of November 26, 2014 are acknowledged and greatly appreciated. The amendments and remarks herein are based on the interview. The applicants note that while certain smartphone functions outside the scope of Dankar and Shim were discussed in the interview (e.g., switching between 3G/4G and WiFi for data communication), these features are **not** found in Dankar and Shim. Therefore, the applicants respectfully request that, should the Examiner deem a further rejection necessary, the rejection be based on art which clearly discloses the discussed features to allow the applicants to craft a response that directly addresses them.

On page 2 of the Office Action, claims 1-6, 9, 22, 26-30, 32, 35, and 49 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Dankar et al. (US 2008/0227471) in view of Shim et al. (US 2007/0178935). Claims 1 and 26 are independent claims, claims 2-6, 9, and 22 depend on claim 1, and claims 27-30, 32, 35, and 49 depend on claim 26. Claims 1 and 26 have been amended for clarity, and no new matter is added. The applicants respectfully traverse the rejection for at least the reason that Dankar in view of Shim does not teach or suggest every element of claims 1 and 26.

Claim 1 includes, *inter alia*, "detecting that a proximity criterion is satisfied between a smartphone and a building; and **preferentially communicating by the smartphone using a first air interface** that is based upon an OFDM/OFDMA protocol **while refraining from communicating by the smartphone using a second air interface** responsive to the proximity criterion being detected as being satisfied and the smartphone receiving an identification that the smartphone recognizes; wherein the first air interface is not used when the smartphone does not receive an identification that the smartphone recognizes even though the proximity criterion has been detected as being satisfied" (emphasis added). Claim 26 includes similar features. In claim 1, a smartphone preferentially communicates using a first air interface (e.g., with a femtocell when proximate thereto) while refraining from communicating using a second air interface (e.g., with a base station), even if the smartphone is capable of communicating using the second air interface when proximate to the building. As the communication with the first air interface is preferential, the smartphone **must select the first air interface** when the criterion is satisfied

and the indication is received. The usage of first air interface instead of second air interface in this situation is not arbitrary. For example, the smartphone may refrain from communicating with the base station when proximate to the femtocell. However, the smartphone must receive an identification that it recognizes in order to communicate using the first air interface and refrain from communicating using the second air interface. Thus, for example, communicating using the first air interface may be triggered by a femtocell only if the femtocell is known to the smartphone. Furthermore, in addition to selecting the first air interface for communication, the smartphone must also refrain from using the second air interface. The smartphone **cannot use the second air interface** when the criterion is satisfied and the indication is received.

Dankar is directed to a system and method for automatically comparing device location from a wireless network with device location from another independent source. See abstract of Dankar. The location of a wireless device is obtained from a wireless network and from another data network. The two obtained locations are compared to determine a proximity. Based on the proximity, it can be determined whether an access of system by the wireless device is legitimate or not. See Dankar par. [0017]-[0019]. To facilitate this process, the wireless device communicates with both a wireless network 200 and an activity mediation system 300 (a network such as an IP network). See Dankar par. [0035], [0041], and [0045]. Clearly, in order for a location to be obtained from both networks, the wireless device must communicate with both networks. Dakar does not disclose, teach, or suggest **preferentially** communicating with one of the networks while **refraining from** communicating with the other. See, for example, Dakar par. [0011] which teaches "geographic locations obtained from **both** the wireless network and some other data communications network" (emphasis added) are used to identify a financial transaction. In order to generate data for these locations, Dakar requires communication with both networks. If the wireless device only communicates with one network, the locations cannot be compared to determine the proximity, and thus the legitimacy of a financial transaction cannot be verified.

Applicants respectfully submit that Dankar does not teach or suggest the above recitation of Claim 1 for at least the following reasons. According to the teachings of Dankar, a validation/verification process occurs upon an initiation of a secure transaction by a user. Only upon the initiation of the secure transaction by the user, certain things are done/validated/verified

in order for the secure transaction to be allowed to reach completion. More specifically, according to Dankar, the ***proximity criterion being detected as being satisfied*** has nothing to do with a smartphone being proximate to a building but, instead, is directly associated with, and related to, the initiation by the user of the secure transaction (i.e., the location of the smartphone being proximate to the building, or not, is only used by Dankar to verify/validate/authenticate the user's identity, NOT as any *trigger* for any proximity criterion being detected as being satisfied). The applicants respectfully submit that, based on Dankar's teachings, one skilled in the art can only conclude that after a secure transaction is initiated the first and second air interfaces must be used to provide respective first and second positions associated with the smartphone's and user's locations, respectively. Accordingly, the first air interface is used by the smartphone to communicate with the cellular network in order to provide the smartphone's current position to the cellular network; and the second air interface is used by the machine that is associated with the secure transaction in order to provide that machine's position for comparison with the smartphone's position.

According to the teachings of Dankar there is no *preferentially communicating using a first air interface ... while refraining from communicating using a second air interface*. Dankar is completely silent on the concept of "preferential," as recited in Claim 1. Applicants respectfully submit that if Dankar had intended to teach a process as necessary and essential as *preferentially communicating using a first air interface ... while refraining from communicating using a second air interface*, Dankar would NOT have left such a step to chance or to the interpretation/discretion of the reader but would have taught it explicitly. The fact is, however, that according to Dankar it is essential and indeed necessary for the proper operation of Dankar's system to avoid *preferentially communicating using a first air interface ... while refraining from communicating using a second air interface* and, instead, resort to *communicating using a first air interface ... while also communicating using a second air interface*. Notwithstanding the above, Dankar remains silent on any specific detail(s) that may be used by the first or second air interfaces. Accordingly, an additional distinction over Dankar is, according to the recitations of Claim 1, that the first air interface *is based upon an OFDM/OFDMA protocol*.

Finally, the applicants respectfully submit that even if we were to assume, for the sake of argument, that Dankar teaches *preferentially communicating using a first air interface ... while*

refraining from communicating using a second air interface responsive to the proximity criterion being detected as being satisfied, it then follows that such a *preferentially communicating ... while refraining...* must be responsive to initiating the secure transaction and NOT due to any proximity criterion between the smartphone and the building having been satisfied, as can be seen from Dankar paragraphs [0011], [0017], and [0018] which are reproduced below.

[Paragraph **0011** of Dankar] To provide authentication or additional authentication confidence where individuals attempt to perform some automated secure transaction or activity, the location of the secure transaction or activity may be ascertained from the network that is being accessed via the transactional application. As the use of wireless devices has become ubiquitous, it may be reasonably assumed that individuals carrying such a device would have the device with them while attempting to engage in a secure transaction or activity. In this case, comparing the location of the wireless device obtained from the wireless network with the location where the user of the wireless device is attempting to engage in a secure transaction or activity, may provide resultant information that may be used to authenticate, verify or validate that the user is in fact who he claims to be. Moreover, if the result from such a geographic location comparison reveals that the wireless device is in some location other than where the secure transaction or activity is taking place, it may be reasonably assumed that the user is not who he claims to be. **Depending on the resolution of the geographic locations obtained from both the wireless network and some other data communications network where an activity or transaction occurs, varying degrees of confidence may be ascertained as to the authenticity of that activity or transaction.** False positive indications of anomalous behavior may also be avoided. An example of this may be when an individual performs an activity or transaction and that individual is in a significantly different location than previously visited but the individual is in fact who he claims to be. (Emphasis Added).

[Paragraph **0017**of Dankar] Accordingly, an object of the present invention is to provide systems and methods to compare a wireless device's location obtained from a wireless network with the wireless device user's location. **This object of the present invention is achieved by obtaining the location of a wireless device from a wireless network and obtaining the location of the wireless device user's location from another data network. The location of the wireless device user is obtained as that user performs some automated activity by**

accessing a device associated with that data network. The obtained locations are compared to determine proximity among them and a result based on that proximity may be derived. (Emphasis Added).

[Paragraph **0018** of Dankar] Another object of the present invention is to provide systems and methods to reduce incidences of fraud by validating users in a particular location where they are performing some automated activity requiring access to a secure system. **This object of the present invention is achieved by determining the proximity between a wireless device's location and the wireless device user's location and providing those proximity results to a results processing system.** Based on the resultant proximity, users accessing the automated system may be determined to be valid or not. (Emphasis Added).

Accordingly, the applicants respectfully submit that based on at least the analysis provided above, Dankar fails to teach "**detecting that a proximity criterion is satisfied between a smartphone and a building**; and **preferentially** communicating by the smartphone using a first air interface that is based upon an OFDM/OFDMA protocol while **refraining** from communicating by the smartpone using a second air interface **responsive to the proximity criterion being detected as being satisfied** and the smartphone receiving an identification that the smartphone recognizes; wherein the first air interface is not used when the smartphone does not receive an identification that the smartphone recognizes even though the proximity criterion has been detected as being satisfied" as independent Claim 1 recites. Independent Claim 26 includes analogous recitations.

Shim, cited for allegedly teaching not using a first air interface when a smartphone does not receive a recognized indication, does not compensate for these deficiencies. Shim is directed to changing an operation mode of a dual mode terminal by synchronizing RFID systems and tags. See abstract of Shim. Shim does not disclose, teach, or suggest at least "detecting that a proximity criterion is satisfied between a smartphone and a building; and preferentially communicating by the smartphone using a first air interface that is based upon an OFDM/OFDMA protocol while refraining from communicating by the smartphone using a second air interface responsive to the proximity criterion being detected as being satisfied and the smartphone receiving an identification that the smartphone recognizes".

For at least the foregoing reasons, Dakar in view of Shim does not teach or suggest every element of claims 1 and 26, and claims 1 and 26 should be allowed. Claims 2-6, 9, and 22 depend on claim 1, and claims 27-30, 32, 35, and 49 depend on claim 26, so these claims should be allowed for at least the same reasons.

The application is in condition for allowance. All amendments are supported by the specification. An early notice of allowance is earnestly solicited.

Please charge any shortage in the fees or credit any overpayment to Deposit Account No. 50-3266.

Respectfully submitted,

DLA PIPER LLP US

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IPR2025-01239
Apple EX1044 Page 275

Electronic Acknowledgement Receipt

EFS ID:	20990049
Application Number:	12264711
International Application Number:	
Confirmation Number:	1684
Title of Invention:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION
First Named Inventor/Applicant Name:	PETER D. KARABINIS
Customer Number:	47604
Filer:	Dale S. Lazar/Ava M. Dixon
Filer Authorized By:	Dale S. Lazar
Attorney Docket Number:	028780-000060
Receipt Date:	17-DEC-2014
Filing Date:	04-NOV-2008
Time Stamp:	20:07:49
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	After Final Consideration Program Request	028780-000060_AFCP.pdf	226781 b60f8c7d76a1707c7b1936362984813efd871627	no	2

Warnings:	
Information:	

IPR2025-01239
Apple EX1044 Page 276

2		028780-000060_AmendmentAfterFinal.pdf	137129 00163fbf19c92862f228382dd682c3170a2e7a58	yes	11

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Response After Final Action	1	1
Claims	2	5
Applicant Arguments/Remarks Made in an Amendment	6	11

Warnings:	
Information:	
Total Files Size (in bytes):	363910

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

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

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

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

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 12/264,711	Filing Date 11/04/2008	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT **12/17/2014**

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 16	Minus	** 54	= 0	X $40 =	0
Independent (37 CFR 1.16(h))	* 2	Minus	***4	= 0	X $210 =	0
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0

AMENDMENT

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

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

LIE
/DEBRA SAVOY/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/264,711	11/04/2008	PETER D. KARABINIS	028780-000060	1684

47604 7590 12/29/2014

DLA PIPER LLP US
P. O. BOX 2758
RESTON, VA 20195

EXAMINER
VU, MICHAEL T

ART UNIT	PAPER NUMBER
2641	

NOTIFICATION DATE	DELIVERY MODE
12/29/2014	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):

PatentProsecutionRes@dlapiper.com

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 12/264,711	**Applicant(s)** KARABINIS ET AL.	
	Examiner MICHAEL T. VU	**Art Unit** 2641	**AIA (First Inventor to File) Status** No

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

THE REPLY FILED 17 December 2014 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

NO NOTICE OF APPEAL FILED

1. ☒ The reply was filed after a final rejection. No Notice of Appeal has been filed. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114 if this is a utility or plant application. Note that RCEs are not permitted in design applications. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires *3* months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action; or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
   c) ☐ A prior Advisory Action was mailed more than 3 months after the mailing date of the final rejection in response to a first after-final reply filed within 2 months of the mailing date of the final rejection. The current period for reply expires months from the mailing date of *the prior Advisory Action* or SIX MONTHS from the mailing date of the final rejection, whichever is earlier.
   Examiner Note: If box 1 is checked, check either box (a), (b) or (c). ONLY CHECK BOX (b) WHEN THIS ADVISORY ACTION IS THE FIRST RESPONSE TO APPLICANT'S FIRST AFTER-FINAL REPLY WHICH WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. ONLY CHECK BOX (c) IN THE LIMITED SITUATION SET FORTH UNDER BOX (c). See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) or (c) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendments filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   b) ☐ They raise the issue of new matter (see NOTE below);
   c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): (a) ☒ will not be entered, or (b) ☐ will be entered, and an explanation of how the new or amended claims would be rejected is provided below or appended.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
9. ☐ The affidavit or other evidence filed after final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
10. ☐ The affidavit or other evidence filed after the date of filing the Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
11. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

12. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
13. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
14. ☐ Other: _____.

STATUS OF CLAIMS

15. The status of the claim(s) is (or will be) as follows:
    Claim(s) allowed: .
    Claim(s) objected to: .
    Claim(s) rejected: 1-6, 9, 22, 26-30, 32, 35.
    Claim(s) withdrawn from consideration: .

12/22/2014	/MICHAEL T VU/ Primary Examiner, Art Unit 2641

IPR2025-01239
Apple EX1044 Page 280

The added limitation in the amended independent claims 1 and 26 (see Amendments to the Claims) that raise new issues in which would require further consideration and search.

IPR2025-01239
Apple EX1044 Page 281

OK TO ENTER: /MTV/

DOCKET NO. 028780-000060 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	Peter D. Karabinis	Conf. No.:	1684
Application No.	12/264,711	Group Art Unit:	2641
Filed:	November 4, 2008	Examiner:	Michael T. Vu

For: MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO PROXIMITY CRITERION

AFTER FINAL AMENDMENT UNDER 37 C.F.R. 1.116

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

December 17, 2014

Dear Commissioner:

This is in response to the Final Office Action dated September 17, 2014, and having a period for response set to expire on December 17, 2014.

The following amendments and remarks are respectfully submitted. Reconsideration of the claims is respectfully requested.

Amendments begin on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

IPR2025-01239
Apple EX1044 Page 282

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL		
Address to: Mail Stop RCE Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	12/264,711
	Filing Date	November 4, 2008
	First Named Inventor	Peter D. Karabinis
	Art Unit	2641
	Examiner Name	Michael T. Vu
	Attorney Docket Number	028780-000060

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. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

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 Amendment previously filed on December 17, 2014

☐ Other

☒ Enclosed

☐ Amendment/Reply

☐ Affidavit(s)/Declarations

i) ☐ Information Disclosure Statement (IDS)

ii) ☒ Other Corrected Remarks

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 the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. **50-3266**. I have enclosed a duplicate copy of this sheet.

☐ RCE fee required under 37 CFR 1.17(e)

☐ Extension of time fee (37 CFR 1.136 and 1.17)

☐ Other _____

☐ Check in the amount of _____ enclosed

☒ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT, REQUIRED			
Signature	/Dale S. Lazar/	Date	December 30, 2014
Name (Print/Type)	Dale S. Lazar	Registration No.	28,872

PTO/SB/22 (03-13)
Approved for use through 7/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2005 *(Fees pursuant to me Consolidated Appropriations Act, 2005 (H.R. 4818).)*	Docket Number 028780-000060
Application Number 12/264,711	Filed November 4, 2008
For MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO PROXIMITY CRITERION	
Art Unit 2641	Examiner Michael T. Vu

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

		Fee	Fee Code
☒	One Month (37 CFR 1.1 7(a)(1))	$100	2251
☐	Two Month (37 CFR 1.1 7(a)(2))	$300	2252
☐	Three Month (37 CFR 1.1 7(a)(3))	$700	2253
☐	Four Month (37 CFR 1.1 7(a)(4))	$1100	2254
☐	Five Month (37 CFR 1.1 7(a)(5))	$1500	2255

☒ Applicant claims small entity status. See 37 CFR 1.27.
☐ A check in the amount of the fee is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number **50-3266**.
☒ Payment made via EFS-Web

WARNING: Information **on this form may** become **public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

☐ applicant/inventor.
☐ assignee of record of the entire interest. See 37 CFR 3.71. 37 CFR 3.73(b) statement is enclosed (Form PTO/SB/96).
☒ attorney or agent of record. Registration Number 28,872
☐ attorney or agent under 37 CFR 1.34. Registration number _____.

/Dale S. Lazar/ — Signature
December 30, 2014 — Date

Dale S. Lazar — Typed or printed name
(703) 773.4000 — Telephone Number

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted

This collection of information is required by 37 CFR 1.136(a). 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 6 minutes to complete, including gathering, mating, 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, US Patent and Trademark Office. U.S. Department OF Commerce, P.O. Box 1450, Alexandria, V.4 22313-4150. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patent. P.O. Box 1450, Alexandria, DA 22233-1450.**
EAST\89062012.1

DOCKET NO. 028780-000060 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	Peter D. Karabinis	Conf. No.:	1684
Application No.	12/264,711	Group Art Unit:	2641
Filed:	November 4, 2008	Examiner:	Michael T. Vu
For:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO PROXIMITY CRITERION		

CORRECTION TO REMARKS

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

December 30, 2014

Dear Commissioner:

The Remarks filed with the After Final Amendment of December 17, 2014 inadvertently included some erroneous statements. Specifically, the first full paragraph on page 7 (lines 10-26) suggests that a location of a wireless device is obtained from a wireless network and another data network through communication by the wireless device on the wireless network and on the other data network. However, Dankar actually teaches that the wireless device's location is communicated by the wireless device on the wireless network, while another device (e.g., an ATM) establishes a location associated with an action on the other data network (e.g., the ATM reports a transaction via the other data network, and the ATM's location is known or reported, thus the location of the transaction is known). See Dankar par. [0035], [0041], and [0045]. The system of Dankar presumes that the owner of the wireless device is carrying their wireless device while using the ATM, so if the location of the wireless device (reported by the wireless device via the wireless network) corresponds to the location of the transaction (reported by the ATM via the other data network), the transaction is likely valid. See Dankar par. [0017]-[0019]. In Dankar, two different and distinct devices are involved in the communications – the wireless device communicates with the wireless network while the ATM communicates with the other data

IPR2025-01239
Apple EX1044 Page 285

network. Each device only communicates with one network, but both communications are necessary to validate an action. The applicants regret any confusion caused by the inadvertent errors in the first full paragraph on page 7 of the Remarks.

The above-referenced teachings of Dankar do not affect the arguments made in the Remarks and the conclusions of the Remarks stand. First, Dankar does not disclose, teach, or suggest preferential communication. The wireless device communicates only with the wireless network, and the ATM communicates only with the other data network. Neither device makes a preferential choice of network depending on the presence or absence of any condition. Second, Dankar's system requires two devices each communicating on separate networks. Neither of the devices in Dankar is able to use both networks. In contrast, representative claim 1 of the pending claims requires, inter alia, "preferentially communicating by the smartphone using a first air interface that is based upon an OFDM/OFDMA protocol while refraining from communicating by the smartphone using a second air interface responsive to the proximity criterion being detected as being satisfied and the smartphone receiving an identification that the smartphone recognizes; wherein the first air interface is not used when the smartphone does not receive an identification that the smartphone recognizes even though the proximity criterion has been detected as being satisfied." Please see the Remarks of December 17, 2014 for further details.

IPR2025-01239
Apple EX1044 Page 286

The application is in condition for allowance. All amendments are supported by the specification. An early notice of allowance is earnestly solicited.

Please charge any shortage in the fees or credit any overpayment to Deposit Account No. 50-3266.

Respectfully submitted,

DLA PIPER LLP US

/Dale S. Lazar/

Dale S. Lazar
Registration No. 28,872
Attorney for Applicant

DSL/NP/amd
PO Box 2758
Reston, VA 20195
(703) 773.4000 Telephone
(703) 773.5200 Fax

IPR2025-01239
Apple EX1044 Page 287

Electronic Patent Application Fee Transmittal

Application Number:	12264711
Filing Date:	04-Nov-2008
Title of Invention:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION
First Named Inventor/Applicant Name:	PETER D. KARABINIS
Filer:	Dale S. Lazar
Attorney Docket Number:	028780-000060

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 - 1 month with $0 paid	2251	1	100	100
Miscellaneous:				
RCE - 2nd and Subsequent Request	2820	1	850	850
		Total in USD ($)		**950**

Electronic Acknowledgement Receipt

EFS ID:	21077850
Application Number:	12264711
International Application Number:	
Confirmation Number:	1684
Title of Invention:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION
First Named Inventor/Applicant Name:	PETER D. KARABINIS
Customer Number:	47604
Filer:	Dale S. Lazar/Ava M. Dixon
Filer Authorized By:	Dale S. Lazar
Attorney Docket Number:	028780-000060
Receipt Date:	30-DEC-2014
Filing Date:	04-NOV-2008
Time Stamp:	17:49:52
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$950
RAM confirmation Number	18272
Deposit Account	
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		028780-000060_RCEEOT.pdf	174997 06e71a4f5b3c72be55dcd879a998d49da6cb0e83	yes	2
	Multipart Description/PDF files in .zip description				
	Document Description		**Start**	**End**	
	Request for Continued Examination (RCE)		1	1	
	Extension of Time		2	2	
Warnings:					
Information:					
2	Supplemental Response or Supplemental Amendment	028780-000060_CorrectedRemarks.pdf	67933 4c5bf395c15f6fc1880a8f53e19566b673642528	no	3
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32402 b4e53bd3384459632cba39c82cccd79161042b3e	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	275332		

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

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/264,711	11/04/2008	PETER D. KARABINIS	028780-000060	1684

47604 7590 01/28/2015

DLA PIPER LLP US
P. O. BOX 2758
RESTON, VA 20195

EXAMINER
VU, MICHAEL T

ART UNIT	PAPER NUMBER
2641	

NOTIFICATION DATE	DELIVERY MODE
01/28/2015	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):

PatentProsecutionRes@dlapiper.com

Office Action Summary	Application No. 12/264,711	Applicant(s) KARABINIS ET AL.	
	Examiner MICHAEL T. VU	Art Unit 2641	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 *12/30/2014*.

☐ 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) *1-6,9,22,26-30,32,35 and 49* 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) *1-6,9,22,26-30,32,35 and 49* 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 *11/04/2008* 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

1. The present application is being examined under the pre-AIA first to invent provisions.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/30/2014 has been entered.

Claim Rejections - 35 USC § 103

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

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

4. Claims 1-6, 9, 22, 26-30, 32, 35, 49 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over McCamon (US 2008/0200166), hereinafter “McCamon“, in view of Wu (US 2006/0172700), hereinafter “Wu“.

Regarding **claims 1 and 26,** McCamon teaches a method comprising (Fig. 2 shows a dual-mode cell phone or smartphone):

detecting that a proximity criterion is satisfied between a smartphone and a building (Fig. 2 shows a detector circuitry for detecting the communication ranges, and pars [0004-0005] and [0014-0015] teach the circuitry that detects the short range communication e.g., Wi-Fi which in a home, business, school, or other building, par [0019]); and

preferentially communicating by the smartphone using a first air interface that is based upon an OFDM/OFDMA protocol (pars [0014-0017] teach the cell phone switch communications from the GSM services to the Wi-Fi network reads on a first air interface) while refraining from communicating by the smartphone using a second air interface responsive to the proximity criterion being detected as being satisfied and the smartphone receiving an identification that the smartphone recognizes (pars [0017-0019] teach the detected of the Wi-Fi network reads on a second air interface responsive to the short range communications protocols, e.g., Wi-Fi, RFID, tag);

McCamon does not explicitly teach wherein the first air interface is not used when the smartphone does not receive an identification that the smartphone recognizes even though the proximity criterion has been detected as being satisfied.

Wu, in the same field of endeavor, teaches wherein the first air interface is not used when the smartphone does not receive an identification that the smartphone recognizes even though the proximity criterion has been detected as being satisfied (par [0052] teach the cell phone identifies or detects an available short-range network, the

cell phone automatically switches to the short-range wireless network which reads on the smartphone recognizes even though the proximity criterion has been detected as being satisfied).

Therefore, it would have been obvious to one skilled in the art at the time of the invention, to modify McCamon, with Wu's teaching, in order to use wherein the first air interface is not used when the smartphone does not receive an identification that the smartphone recognizes even though the proximity criterion has been detected as being satisfied, including means for providing a dual mode mobile terminal having both long-range and short-range communication capabilities to provide mobility management and personalized services based on the mobile telephone user's system account as taught by Leblanc, (col. 1, pars [0003-0005]).

Regarding **claims 2 and 27,** McCamon and Wu teach the method according to Claim 1, McCamon further teaches wherein the detecting is performed by the smartphone (Fig. 2), by a device that is associated with the building (pars [0017-0019] teach associated with a home, business, school, or other building), by a system that is associated with the smartphone (pars [0017-0019]), **or** a combination thereof.

Regarding **claims 3 and 28,** McCamon and Wu teach the method according to Claim 1, McCamon further teaches wherein a selecting between the first air interface and the second air interface is performed by the smartphone (pars [0017-0019] dual cell phone select between the long range and the short range communications protocols),

by a device that is associated with the building (pars [0017-0019] teach associated with a home, business, school, or other building), by a system that is associated with the smartphone (pars [0017-0019]), **or** a combination thereof.

Regarding **claims 4 and 29,** McCamon and Wu teach the method according to Claim 1, McCamon further teaches wherein the receiving of the identification that the smartphone recognizes comprises: receiving an identification (par [0019]); and

McCamon does not explicitly teach comparing the received identification to a predetermined list of identifications and finding a match therebetween.

Wu, in the same field of endeavor, teaches comparing the received identification to a predetermined list of identifications and finding a match therebetween (pars [0034] [0052] teach the compare the range network and automatically switches when it detects an available short-range wireless network which reads on finding a match therebetween).

Therefore, it would have been obvious to one skilled in the art at the time of the invention, to modify McCamon, with Wu's teaching, in order to use comparing the received identification to a predetermined list of identifications and finding a match therebetween, including means for providing a dual mode mobile terminal having both long-range and short-range communication capabilities to provide mobility management and personalized services based on the mobile telephone user's system account as taught by Leblanc, (col. 1, pars [0003-0005]).

Regarding **claims 5 and 30,** McCamon and Wu teach the method according to Claim 1, McCamon further teaches comprising enabling a mode of a device other than the smartphone responsive to the smartphone receiving the identification (pars [0017-0019]).

Regarding **claims 6 and 32,** McCamon and Wu teach the method according to Claim 1, McCamon further teaches wherein detecting comprises: using position information associated with the smartphone (pars [0017-0019]); detecting a signal that is being radiated by the smartphone (pars [0017-0019]); detecting a signal that is being radiated by a device that is associated with the building (pars [0017-0019]); **or** a combination thereof.

Regarding **claims 9 and 35,** McCamon and Wu teach the method according to Claim 1, McCamon further teaches comprising performing a function responsive to the detecting and the receipt of the identification (pars [0017-0019]),

McCamon does not explicitly teach the function comprising a financial transaction.

Wu, in the same field of endeavor, teaches the function comprising a financial transaction (par [0020] teach the billing information that associated with the cell phone which reads on a financial transaction).

Therefore, it would have been obvious to one skilled in the art at the time of the invention, to modify McCamon, with Wu's teaching, in order to use the function

comprising a financial transaction, including means for providing a dual mode mobile terminal having both long-range and short-range communication capabilities to provide mobility management and personalized services based on the mobile telephone user's system account as taught by Leblanc, (col. 1, pars [0003-0005]).

Regarding **claims 22 and 49,** McCamon and Wu teach the method according to Claim 1, McCamon further teaches wherein the first air interface is further based upon Time Division Duplex wherein a first set of frequencies are used to transmit information and are also used to receive information (pars [0017-0019] teach the long range communication protocol reads on the first air interface based on TDD).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL T. VU whose telephone number is (571)272-8131. The examiner can normally be reached on 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles N. Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MICHAEL T VU/
Primary Examiner, Art Unit 2641

Notice of References Cited	Application/Control No. 12/264,711	Applicant(s)/Patent Under Reexamination KARABINIS ET AL.	
	Examiner MICHAEL T. VU	Art Unit 2641	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2008/0200166	08-2008	McCamon, Michael G.	455/426.1
*	B	US-2006/0172700	08-2006	Wu, Peter	455/041.2
	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.

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	1	12/264711	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 11:14
S2	1	12/264711 and "16"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 11:30
S3	1	12/264711 and entity	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 11:32
S4	15	financial near transaction same payment near3 toll	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 11:52
S5	8905	455/456.1-456.6.ccls.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:01
S6	2466044	first same second same (mobile pda cell cellular portable phone device)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:02
S8	9883	first same second same (mobile pda cell cellular portable phone device) same entity	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:03
S10	222	S5 and S8	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:04
S12	3555	entity same (detect$3 associat$4) same first same second same (mobile pda cell cellular portable phone device)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:05
S13	88	S5 and S12	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:05

S14	87	entity same (detect$3 associat$4) same first same second same (mobile pda cell cellular portable phone device) and (position location) same velocity same time	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:10
S15	5	S5 and S14	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:10
S16	1	entity same (detect$3 associat$4) same first same second same (mobile pda cell cellular portable phone device) and (position location) same velocity and time-of-day	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:16
S17	286	(detect$3 associat$4) same first same second same (mobile pda cell cellular portable phone device) and (position location) and pay$6 near2 toll	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:18
S18	4	S5 and S17	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:18
S19	275	first near4 (mobile pda cell cellular portable phone device) same second near4 (mobile pda cell cellular portable phone device) and pay$6 near2 toll	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:20
S20	9	S5 and S19	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:20
S21	411	(payment toll) same (master slave) same (phone portable mobile cell cellular pda)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:31
S22	2	S5 and S21	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:31
S24	55	(pay$4 near2 toll) same (first master) same (second slave) same (phone portable mobile cell cellular pda device)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:42
S25	339	karabinis near2 peter.in.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/19 15:59
S26	466	time-of-day and velocity and entity	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/19 16:00

S27	5	S25 and S26	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/19 16:00
S28	1	12/264711 and detector	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2012/02/03 16:07
S29	1	12/264711 and value same satisf$7	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2012/02/03 16:27
S30	6	(mobile cell cellular pda phone) same payroll same (met satisf$7)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2012/02/03 16:31
S31	1	(mobile cell cellular pda phone) same ((pay adj toll) paytoll) same (met satisf$7)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2012/02/03 16:32
S32	145	(mobile cell cellular pda phone) same ((pay adj toll) paytoll)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2012/02/03 16:36
S33	1204055	(time-of-day TOD ToM ToY velocity)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2012/02/03 16:38
S34	14	S32 and S33	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2012/02/03 16:38
S36	28	(mobile cell cellular pda phone) same ((pay adj toll) paytoll purchas$5) same respon$6 near2 value	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2012/02/03 16:52
S38	8	(mobile cell cellular pda phone) same ((pay adj toll) paytoll) same value	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2012/02/03 16:56
S39	4	("20030187571" | "20070176771" | "20090143966" | "6012012").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2012/02/03 17:16
S40	23	("7133659" | "20060145893" | "20070285280" | "7822644" | "7028897" | "RE39736" | "20070167147" | "20080167966" | "20060009234" | "6769607" | "7155199" | "20040030601").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2012/02/03 17:29

S41	1	12/264711	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/15 16:24
S42	1	12/264711 and second near device	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/15 16:26
S43	1	12/264711 and mode	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/15 16:39
S44	878	(deduct$4 withdrawn$3 charg$4 paid pay$3) same (toll$3) same (master owner)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 21:20
S45	202	(deduct$4 withdrawn$3 charg$4 paid pay$3) same (toll$3) same (master owner slave) same (first second)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 21:22
S47	15	(deduct$4 withdrawn$3 charg$4 paid pay$3) same (toll$3) same (master owner slave) same (first second) same (RFID tag)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 21:22
S48	21	(deduct$4 withdrawn$3 charg$4 paid pay$3) same (toll$3) same (master owner slave) same ((first second) near3 (device user))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 21:27
S49	82	(deduct$4 withdrawn$3 charg$4 paid pay$3) with (master owner) same (toll$3) same (transponder RFID tag$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 21:39
S50	83	(master primary owner) with (deduct$4 withdrawn$3 charg$4 paid pay$3) same (toll$3) same (transponder RFID tag$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 22:13
S51	17	(First primary multiple plurality) near2 (RFID tag$2) same (toll$3) same (bill$3 charg$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 22:25
S52	5	(toll) with non-member	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:35
S53	145	(toll) same (transaction) same member	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:36

S54	99	(toll) with (transaction) same member	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:36
S55	0	((pay adj toll) pay-toll) with (transaction) same member	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:37
S56	2	((pay adj toll) pay-toll) same (transaction) same member	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:37
S57	35	((pay adj toll) pay-toll) same (bill$3 charg$3 authoriz$6 transaction) same (master owner primary)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:55
S58	287974	H04W 64/00.CPC.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:25
S59	287974	H04W 4/02.CPC.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:25
S60	287974	H04W 48/04.CPC.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:25
S62	22	(mobile cell cellular pda phone) same ((pay adj toll) paytoll) same (transponder RFID) same (charg$4 bill$4 transaction)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:26
S63	1	S58 and S62	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:26
S65	117	(mobile cell cellular pda phone) same ((pay adj toll) paytoll toll) same (transponder RFID) same (charg$4 bill$4 transaction)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:27
S66	5	S58 and S65	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:27
S67	7	("20070066226" | "20070247333" | "20080086240" | "20100207754" | "20110039571" | "7139589" | "7539500").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2014/05/20 15:27
S68	5	S59 and S65	US-PGPUB;	OR	ON	2014/05/20

			USPAT; USOCR; EPO; JPO; DERWENT			15:28
S69	35	((pay adj toll) pay-toll) same (bill$3 charg$3 authoriz$6 transaction) same (master owner primary)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:28
S70	2	S60 and S69	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:28
S71	17	("20010037174" | "20030115095" | "20030195697" | "20050107951" | "20070142050" | "20080030376" | "4676187" | "5184303" | "5509052" | "5550738" | "5694322" | "5970481" | "5974356" | "6199010" | "6594576" | "6705521" | "6741927").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2014/05/20 15:28
S73	529	(mobile cell cellular pda phone) same ((pay adj toll) paytoll toll) same (charg$4 bill$4 transaction) same (primary owner authoriz$5)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:30
S74	15	S58 and S73	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:30
S75	15	S59 and S73	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:31
S76	15	S60 and S73	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:31
S77	35	((pay adj toll) pay-toll) same (bill$3 charg$3 authoriz$6 transaction) same (master owner primary)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:31
S78	2	S59 and S77	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:31
S79	0	12/264711 and smartphone and building	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2014/09/08 11:22
S80	1	12/264711	US-PGPUB; USPAT; USOCR;	OR	OFF	2014/09/08 11:22

			EPO; JPO; DERWENT			
S81	5416	(phone mobile cell cellular pda) same (((Orthogonal adj Frequency adj Division adj Multiplexed) (Orthogonal adj Frequency adj Division adj Multiple adj Access)OFDM OFDMA)) same protocol	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 13:50
S82	23	(phone mobile cell cellular pda) same (((Orthogonal adj Frequency adj Division adj Multiplexed) (Orthogonal adj Frequency adj Division adj Multiple adj Access)OFDM OFDMA)) near4 protocol same (identif$6 RFID)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 13:51
S83	13004	(phone mobile cell cellular pda) same associat$6 same (identif$6 RFID) same (entity build$4 shopp$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 13:55
S84	246	(phone mobile cell cellular pda) same associat$6 same (identif$6 RFID) same (entity build$4 shopp$4) same (financial near2 transaction)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 13:57
S85	11	(phone mobile cell cellular pda) same associat$6 same (identif$6 RFID) same (entity build$4 shopp$4) same (financial near2 transaction) same ((short adj range) proximity)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 13:57
S86	17	11/933803	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 14:00
S87	19	(phone mobile cell cellular pda) same (identif$6 RFID) same (entity build$4 shopp$4) same (financial near2 transaction) same ((short adj range) proximity)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 14:07
S88	19	(phone mobile cell cellular pda) same (identif$6 RFID) same (entity build$4 shopp$4) same (financial near2 transaction) same ((short adj range) proximity)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 14:11
S89	19	(phone mobile cell cellular pda) same (identif$6 RFID) same (entity build$4 shopp$4) same (financial near2 transaction) same ((short adj range) proximity wifi wimax)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 14:11
S90	0	(phone mobile cell cellular pda) same (identif$6 RFID) same (entity build$4 shopp$4) same (financial near2 transaction) same ((short adj range) proximity wifi wimax) and (OFDM OFDMA)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 14:11
S91	2	(phone mobile cell cellular pda) same (identif$6 RFID) same (entity build$4 shopp$4) same (financial near2 transaction) and ((short adj range)	US-PGPUB; USPAT; USOCR; EPO; JPO;	OR	ON	2014/09/08 14:12

		proximity wifi wimax) and (OFDM OFDMA)	DERWENT			
S96	1065	(dual-mode dual adj mode dualmode) with (identif$7)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/09 15:02
S97	46	(dual-mode dual adj mode dualmode) with (identif$7) same (wimax wifi)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/09 15:02
S98	2	(dual-mode dual adj mode dualmode) with (identif$7) same (wimax wifi) same build$3	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/09 15:03
S99	308133	h04w 64/00.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/10 09:54
S100	46	(dual-mode dual adj mode dualmode) with (identif$7) same (wimax wifi)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/10 09:55
S101	27	S99 and S100	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/10 09:55
S102	308133	H04W 4/02.CPC.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/10 09:55
S103	27	S100 and S102	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/10 09:55
S105	1	12/264711	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 10:37
S108	46	(mobile cellular cell pda phone) same switch$4 same ((short adj range) RFID) same inside	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 10:52
S109	1	12/264711 and detector	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 10:56
S111	0	detect$3 same enable with ((plurality two) adj2 mode) same (short-range (short adj range))	US-PGPUB; USPAT; USOCR;	OR	ON	2015/01/21 10:59

			EPO; JPO; DERWENT			
S112	101	detect$3 same ((plurality two) adj2 mode) same (short-range (short adj range))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 10:59
S113	38085416	@ad<"20081104" @rlad<"20081104"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 11:00
S114	90	S112 and S113	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 11:00
S115	120	automat$8 same switch$4 same (RFID short-range (short adj range)) same (inside building)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 11:10
S116	77	S113 and S115	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 11:10
S118	225	(mobile cell cellular pda phone) same ((enab$6 switch$3) near3 mode) same detect$4 same (short-range wifi wi-fi (short adj range))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 11:19
S119	50	S113 and S118	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 11:20

1/ 21/ 2015 2:55:18 PM
C:\ Users\ mvu1\ Documents\ EAST\ Workspaces\ 12264711_Pay_Toll.wsp

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	Art Unit
	MICHAEL VU	2617

CPC- SEARCHED		
Symbol	Date	Examiner
H04W 64/00	1/21/2015	MTV

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner
H04W 64/00, H04W 4/02, H04W 48/04	1/21/2015	MTV

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
455	456.1-456.5, 426.1, 705	1/21/2015	MTV
	See Searched History	1/21/2015	MTV

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor Name: Karabinis Peter	5/20/2014	MTV
Assignee: Telcom Ventures, Inc.	5/20/2014	MTV
Double Patent Checked	5/20/2014	MTV
Update EAST Search System	9/9/2014	MTV

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

	/MICHAEL T VU/ Primary Examiner.Art Unit 2641

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	Art Unit
	MICHAEL VU	2617

✓	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	01/21/2015								
	1	✓								
	2	✓								
	3	✓								
	4	✓								
	5	✓								
	6	✓								
	7	-								
	8	-								
	9	✓								
	10	-								
	11	-								
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	20	-								
	21	-								
	22	✓								
	23	-								
	24	-								
	25	-								
	26	✓								
	27	✓								
	28	✓								
	29	✓								
	30	✓								
	31	-								
	32	✓								
	33	-								
	34	-								
	35	✓								
	36	-								

IPR2025-01239
Apple EX1044 Page 313

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	Art Unit
	MICHAEL VU	2617

✓	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	01/21/2015								
	37	-								
	38	-								
	39	-								
	40	-								
	41	-								
	42	-								
	43	-								
	44	-								
	45	-								
	46	-								
	47	-								
	48	-								
	49	✓								
	50	-								
	51	-								
	52	-								
	53	-								
	54	-								

IPR2025-01239
Apple EX1044 Page 314

DOCKET NO. 028780-000060 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	Peter D. Karabinis	Conf. No.:	1684
Application No.	12/264,711	Group Art Unit:	2641
Filed:	November 4, 2008	Examiner:	Michael T. Vu
For:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO PROXIMITY CRITERION		

AMENDMENT UNDER 37 C.F.R. 1.111

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

February 25, 2015

Dear Commissioner:

This is in response to the Non-Final Office Action dated January 28, 2015, and having a period for response set to expire on April 28, 2015.

The following amendments and remarks are respectfully submitted. Reconsideration of the claims is respectfully requested.

Amendments begin on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

IPR2025-01239
Apple EX1044 Page 315

Amendments:

1. (Currently Amended) A method comprising:

detecting that a proximity criterion is satisfied between a smartphone and ~~a building~~ an entity; [[and]]

preferentially communicating by the smartphone using a first air interface ~~that is based upon an OFDM/OFDMA protocol~~ while refraining from communicating by the smartphone using a second air interface responsive to the proximity criterion being detected as being satisfied and the smartphone receiving an identification that the smartphone recognizes; and

~~wherein~~ refraining from using the first air interface ~~is not used when the smartphone does not receive an~~ by the smartphone absent the smartphone receiving the identification that the smartphone recognizes even though the proximity criterion ~~has been~~ is detected as being satisfied.

2. (Currently Amended) The method according to Claim 1, wherein the detecting is performed by the smartphone, by a device that is associated with the ~~building~~ entity, by a system that is associated with the smartphone, or a combination thereof.

3. (Currently Amended) The method according to Claim 1, further comprising ~~wherein a~~ selecting between the first air interface and the second air interface; wherein the selecting is performed by the smartphone, by a device that is associated with the ~~building~~ entity, by a system that is associated with the smartphone, or a combination thereof.

4. (Previously Presented) The method according to Claim 1, wherein the receiving of the identification that the smartphone recognizes comprises:

receiving an identification; and

comparing the received identification to a predetermined list of identifications and finding a match therebetween.

5. (Previously Presented) The method according to Claim 1, further comprising enabling a mode of a device other than the smartphone responsive to the smartphone receiving the identification.

6. (Currently Amended) The method according to Claim 1, wherein detecting comprises:

using position information associated with the smartphone;

detecting a signal that is being radiated by the smartphone;

detecting a signal that is being radiated by a device that is associated with the ~~building~~ entity; or

a combination thereof.

7 – 8. (Cancelled)

9. (Currently Amended) The method according to Claim 1, further comprising:

sensing data associated with a living organism;

enabling a pay function of the smartphone responsive to the sensing;

conducting a financial transaction using the pay function of the smartphone; and

paying for an item responsive to the enabling and conducting.

~~performing a function responsive to the detecting and the receipt of the identification, the function comprising a financial transaction.~~

10 – 21. (Cancelled)

22. (Currently Amended) The method according to Claim [[1]]9, wherein the sensing comprises:

using a sensor that is connected to the smartphone to perform the sensing;

comparing data provided by the sensor with data stored in the smartphone; and

determining whether a match exists between the data provided by the sensor and the data stored in the smartphone.

~~the first air interface is further based upon Time Division Duplex wherein a first set of frequencies are used to transmit information and are also used to receive information.~~

23 – 25. (Cancelled)

26. (Currently Amended) A ~~system~~ smartphone comprising:

~~a smartphone; and~~

~~a detector configured to detect that a proximity criterion is satisfied between the smartphone and a building;~~

~~wherein the smartphone is configured to perform operations comprising:~~

a processor configured to detect that a proximity criterion is satisfied between the smartphone and an entity and configured to control the smartphone to perform operations comprising:

preferentially communicating using a first air interface ~~that is based upon an OFDM/OFDMA protocol~~ while refraining from communicating using a second air interface responsive to the ~~detector~~ processor detecting that the proximity criterion [[as]]is satisfied and the smartphone receiving an identification that the smartphone recognizes; and

refraining from using the first air interface ~~when the smartphone does not receive an~~ absent receiving by the smartphone the identification that the smartphone recognizes even though the ~~detector~~ processor detects that the proximity criterion ~~has been~~ is satisfied.

27. - 28. (Cancelled)

29. (Currently Amended) The ~~system~~ smartphone according to Claim 26, wherein the smartphone recognizes the identification by:

receiving an identity; and

comparing the received identity to a predetermined list of identities and finding a match therebetween.

30. (Currently Amended) The ~~system~~ smartphone according to Claim 26, further comprising a device other than the smartphone configured to have a mode of operation enabled responsive to the smartphone receiving the identification that is recognized.

31-34. (Canceled)

35. (Currently Amended) The ~~system~~ smartphone according to Claim 26, wherein the ~~smartphone~~ processor is configured to control the smartphone to perform ~~a function responsive to the detector having detected that the proximity condition is satisfied and the smartphone receiving the identification, the function comprising a financial transaction.~~ further operations comprising:

sensing data associated with a living organism;

enabling a pay function responsive to the sensing;

conducting a financial transaction using the pay function; and

paying for an item responsive to the enabling and conducting.

36-48. (Canceled)

49. (Currently Amended) The ~~system~~ smartphone according to Claim [[26]]35, wherein ~~the first air interface is based upon Time Division Duplex wherein a first set of frequencies are used to transmit information and are also used to receive information.~~ the sensing operation comprises:

using a sensor that is connected to the smartphone to perform the sensing;

comparing data provided by the sensor with data stored in the smartphone; and

determining whether a match exists between the data provided by the sensor and the data stored in the smartphone.

50-54. (Canceled)

55. (New) The smartphone according to Claim 35, wherein the sensing operation comprises receiving at the smartphone data from a first unit and transmitting data from the smartphone to a second unit.

56. (New) The smartphone according to Claim 35, wherein the conducting and paying operations comprise:

connecting with a bank account associated with a user of the smartphone; and

deducting from the bank account an amount of money associated with the paying for the item.

57. (New) The smartphone according to Claim 26, wherein the preferentially communicating comprises wirelessly communicating using an orthogonal frequency division multiplexing (OFDM) protocol, an orthogonal frequency division multiple access (OFDMA) protocol, or a combination thereof.

58. (New) The smartphone according to Claim 26, wherein the preferentially communicating comprises:

transmitting and receiving using a time division duplex (TDD) protocol,

wherein the transmitting uses a frequency over a first time interval, and

wherein the receiving uses the frequency over a second time interval.

59. (New) The smartphone according to Claim 26, wherein the preferentially communicating comprises using unlicensed band frequencies.

60. (New) The smartphone according to Claim 26, wherein the preferentially communicating comprises using licensed band frequencies.

Remarks/Arguments

On page 2 of the Office Action, claims 1-6, 9, 22, 26-30, 32, 35, and 49 stand rejected under 35 U.S.C. 103(a) as being unpatentable over McCamon (US 2208/0200166) in view of Wu (US 2006/0172700). Claims 1 and 26 are independent claims, claims 2-6, 9, and 22 depend on claim 1, claims 29-30, 35, and 49 depend on claim 26, and claim 27-28 and 32 have been canceled. Claims 55-60, which depend on claim 26, have been added.. The applicants respectfully traverse the rejection for at least the reason that McCamon in view of Wu does not teach or suggest every element of claims 1 and 26.

Claim 1 includes, inter alia, "detecting that a proximity criterion is satisfied between a smartphone and an entity; preferentially communicating by the smartphone using a first air interface while refraining from communicating by the smartphone using a second air interface responsive to the proximity criterion being detected as being satisfied and the smartphone receiving an identification that the smartphone recognizes; and refraining from using the first air interface by the smartphone **absent the smartphone receiving the identification that the smartphone recognizes even though the proximity criterion is detected as being satisfied**" (emphasis added). Claim 26 includes similar features. In claim 1, a smartphone preferentially communicates with an entity using a first air interface (e.g., the smartphone preferentially communicates with a femtocell when proximate thereto using the first air interface) while refraining from communicating using a second air interface (e.g., with a base station), even if the smartphone is capable of communicating using the second air interface (e.g., with the base station) when proximate to the entity. As the communication with the first air interface is preferential, the smartphone must select the first air interface, as recited in Claim 1, when the proximity criterion between the smartphone and the entity is satisfied and an identification that the smartphone recognizes is received. In addition to selecting the first air interface for communication, the smartphone must also refrain from using the second air interface. However, when the smartphone does not receive the identification that the smartphone recognizes, the smartphone **refrains** from using the first air interface, **even though it is within the required proximity of the entity**.

McCamon is directed to a system and method for switching between radio systems of a wireless device. See abstract of McCamon. Wu is directed to a mobile telephone system that automatically establishes communication with a system via a short-range wireless network. See abstract of Wu. The Applicants agree with the Examiner's statement on page 3 of the Office Action that "*McCamon does not explicitly teach wherein the first air interface is not used when the smartphone does not receive an identification that the smartphone recognizes even though the proximity criterion has been detected as being satisfied.*" However, the Applicants respectfully disagree with the Examiner's assertion that Wu provides the missing parts. Nothin in Wu discloses, teaches, or suggests a scenario relating to **the smartphone not receiving an identification that the smartphone recognizes even though the proximity criterion has been detected as being satisfied**.

Wu fails to distinguish between the following two scenarios: (1) a first scenario relating to a proximity criterion being detected as being satisfied; and (2) a second scenario relating to the smartphone not receiving an identification that the smartphone recognizes even though the proximity criterion is being detected as being satisfied and, subject to such a scenario, refraining from using the first air interface. Wu fails to recognize the possibility of the second scenario ever existing.

In Wu, a cellular phone is placed near a device that can communicate wirelessly using a short-range wireless network (e.g., an entertainment system). The cellular phone is directed to function in a system mode or "TV mode" (i.e., to communicate with the entertainment system) and starts searching for the short-range wireless network in some embodiments. In other embodiments, the cellular phone automatically enters the TV mode when it detects the short-range wireless network. See paragraphs [0050]-[0052] of Wu.

According to Wu, the proximity criterion being detected as being satisfied is always accompanied by the smartphone receiving an identification that the smartphone recognizes. Stated differently, according to Wu if the proximity criterion is being detected as being satisfied, the smartphone is receiving an identification that the smartphone recognizes and, conversely, if the smartphone is receiving an identification that the smartphone recognizes, the proximity criterion is being detected as being satisfied. This may be seen, for example, by examining

paragraphs [0052] and [0053] of Wu, which are reproduced below for the convenience of the Examiner.

> [0052] At block 404, the cell phone identifies an available short-range wireless network. For example, when placed in TV mode, the cell phone begins searching for a wireless network. This is similar to a laptop computer that is able to locate a wireless network that is available, for example, in an airport or other public place. In an alternate implementation, the cell phone automatically switches to TV mode when it detects an available short-range wireless network. (Emphasis Added).
>
> [0053] At block 406, the cell phone searches data stored on the cell phone for a key associated with the identified wireless network. For example, in an exemplary implementation, the data that identifies an available wireless network includes an **identifier** that is associated with the network, and an indication that a security key is required to enable access to the wireless network. In the described exemplary implementation, the cell phone searches TV store 238 (shown in FIG. 2) for a key that is associated with the identified wireless network. (Emphasis Added).

As stated earlier, Wu fails to consider any scenario involving a proximity criterion being detected as being satisfied while an identification that the smartphone recognizes is not being received. Accordingly, Wu fails to teach or suggest the last recitation of independent Claim 1 *wherein the first air interface is not used when the smartphone does not receive an identification that the smartphone recognizes even though the proximity criterion has been detected as being satisfied* and the corresponding recitation of independent Claim 26.

For at least the foregoing reasons, McCamon in view of Wu does not teach or suggest every element of claims 1 and 26, and claims 1 and 26 should be allowed. Claims 2-6, 9, 22, 29-30, 35, 49, and 55-60 depend on claim 1 or 26 and should be allowed for at least the same reasons. Moreover, several of the dependent claims are separately patentable. However, as each of these claims depends from a base claim that is believed to be in condition for allowance,

Applicants do not believe that it is necessary to argue the allowability of the dependent claims individually. Applicants do not necessarily concur with the Examiner's interpretation of these claims, nor with the bases for rejection set forth on the Office Action. Applicants therefore reserve the right to address the patentability of these claims individually as necessary in the future.

The application is in condition for allowance. All amendments are supported by the specification. An early notice of allowance is earnestly solicited.

Please charge any shortage in the fees or credit any overpayment to Deposit Account No. 50-3266.

Respectfully submitted,

DLA PIPER LLP US

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Electronic Acknowledgement Receipt

EFS ID:	21593761
Application Number:	12264711
International Application Number:	
Confirmation Number:	1684
Title of Invention:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION
First Named Inventor/Applicant Name:	PETER D. KARABINIS
Customer Number:	47604
Filer:	Dale S. Lazar/Ava M. Dixon
Filer Authorized By:	Dale S. Lazar
Attorney Docket Number:	028780-000060
Receipt Date:	25-FEB-2015
Filing Date:	04-NOV-2008
Time Stamp:	18:13:44
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		028780-000060_AmendmentFebruary252015.pdf	116144 636a65eec08d812769dae8dfba04d03090ca6e4d	yes	10

	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	10
Warnings:			
Information:			
	Total Files Size (in bytes):	116144	

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

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

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

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 12/264,711	Filing Date 11/04/2008	☐ 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	**165**
☐ 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	**110**
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	**275**

APPLICATION AS AMENDED – PART II

		(Column 1)		(Column 2)	(Column 3)		
AMENDMENT	**02/25/2015**	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 19	Minus	** 54	= 0	X $40 =	0
	Independent (37 CFR 1.16(h))	* 2	Minus	***4	= 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	

* 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
/ANGELA JONES/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/264,711	11/04/2008	PETER D. KARABINIS	028780-000060	1684

47604 7590 04/17/2015

DLA PIPER LLP US
P. O. BOX 2758
RESTON, VA 20195

EXAMINER
VU, MICHAEL T

ART UNIT	PAPER NUMBER
2641	

NOTIFICATION DATE	DELIVERY MODE
04/17/2015	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):

PatentProsecutionRes@dlapiper.com

Office Action Summary	Application No. 12/264,711	Applicant(s) KARABINIS ET AL.	
	Examiner MICHAEL T. VU	Art Unit 2641	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 *02/25/2015*.

☐ 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) *1-6, 9, 22, 26, 29-30, 35, 49, 55-60* 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) *1-6,9,22,26,29,30,35,49 and 55-60* is/are rejected.

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

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

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

Application Papers

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

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

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

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

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

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

4) ☐ Other: _____.

DETAILED ACTION

1. The present application is being examined under the pre-AIA first to invent provisions.

Response to Arguments

2. Applicant's arguments with respect to claims 1-6, 9, 22, 26, 29-30, 35, 49, and 55-60 have been considered but are moot in view of the new ground(s) of rejection.

3. Applicant amended claims 1-3, 6, 9, 22, 26, 29-30, 35, and 49.

4. Applicant newly added claims 55-60.

Claim Rejections - 35 USC § 103

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

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

6. Claims 1-6, 26, 29-30, 57-60 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Balwani (US 8,532,069), hereinafter “Balwani“, in view of Hulvey (US 2008/0146148), hereinafter “Hulvey“.

Regarding **claims 1 and 26,** Balwani teaches a method comprising:

detecting that a proximity criterion is satisfied between a smartphone and an entity (Figs.1 & 5 teach a dual-mode phone switching between a cellular communication and a WiFi communication when entered the entity such as restaurant, office, school, etc.);

preferentially communicating by the smartphone using a first air interface while refraining from communicating by the smartphone using a second air interface responsive to the proximity criterion being detected as being satisfied (Fig. 1 shows a Cellular Phone 110 using the Base Station 120 to connect to OFDM or long range reads on a first air interface and the Cellular Phone 110 is using a second interface to connect to WiFi or local communication); and

refraining from using the first air interface by the smartphone absent the smartphone receiving the identification that the smartphone recognizes even though the proximity criterion is detected as being satisfied (col. 9, line 46 to col. 10, line 37 teach detecting the communications services network within areas that met or establishment).

Balwani, does not explicitly teach a smartphone using a first air interface and a second air interface responsive to the proximity criterion being detected.

Hulvey, in the same field of endeavor, teaches a wireless device includes a switching of connection modes such as the first operating mode can be used when Wi-Fi communication of being performed/responded/used which reads on a smartphone using a first air interface and a second air interface responsive to the proximity criterion being detected (pars [0024] [0030]).

Therefore, it would have been obvious to one skilled in the art at the time of the invention, to modify Balwani, with Hulvey's teaching, in order to use a smartphone using a first air interface and a second air interface responsive to the proximity criterion being detected, including means for expanding the radio frequency identification (RFID) system and/or the short range communication system in the marketplace with a cost effective as taught by Hulvey (col. 1, pars [0006-0007]).

Regarding **claim 2,** Balwani and Hulvey teach the method according to Claim 1, Balwani further teaches wherein the detecting is performed by the smartphone (Fig. 1 shows cellular telephone 110 performed the detecting the long range and short range communications networks), by a device that is associated with the entity, by a system that is associated with the smartphone (Fig. 2 shows the cellular telephone 110 that associated with different entities), **or** a combination thereof.

Regarding **claim 3,** Balwani and Hulvey teach the method according to Claim 1, Balwani further teaches comprising selecting between the first air interface and the second air interface (Figs.1 & 5 teach a dual-mode phone switching between a cellular communication and a WiFi communication when entered the entity such as restaurant, office, school, etc.); wherein the selecting is performed by the smartphone (Fig. 1 shows cellular telephone 110 performed the detecting the long range and short range communications networks), by a device that is associated with the entity, by a system

that is associated with the smartphone (Fig. 2 shows the cellular telephone 110 that associated with different entities), **or** a combination thereof.

Regarding **claims 4 and 29,** Balwani and Hulvey teach the method according to Claims 1, 26, Balwani further teaches wherein the receiving of the identification that the smartphone recognizes comprises: receiving an identification (col. 12, lines 8-64 teach identification); and comparing the received identification to a predetermined list of identifications and finding a match therebetween (col. 2, lines 46-65 teach the authentication/authenticated and identify authorized users of the local entity networks).

Regarding **claims 5 and 30,** Balwani and Hulvey teach the method according to Claims 1, 26, Balwani further teaches comprising enabling a mode of a device other than the smartphone responsive to the smartphone receiving the identification (col. 2, lines 46-65 teach the authentication/authenticated and identify authorized users of the local entity networks).

Regarding **claim 6,** Balwani and Hulvey teach the method according to Claim 1, Balwani further teaches wherein detecting comprises: using position information associated with the smartphone (col. 1, line 46 to col. 2, line 26); detecting a signal that is being radiated by the smartphone (col. 1, line 46 to col. 2, line 65); detecting a signal that is being radiated by a device that is associated with the entity (col. 1, line 46 to col. 2, line 65); **or** a combination thereof.

Regarding **claim 57,** Balwani and Hulvey teach the smartphone according to Claim 26, Balwani further teaches wherein the preferentially communicating comprises wirelessly communicating using an orthogonal frequency division multiplexing (OFDM) protocol (Fig. shows cellular telephone 110 communicate with the base station 120 for a long range), an orthogonal frequency division multiple access (OFDMA) protocol (Fig.1, col. 4, lines 26-59), **or** a combination thereof.

Regarding **claim 58,** Balwani and Hulvey teach the smartphone according to Claim 26, Balwani further teaches wherein the preferentially communicating comprises: transmitting and receiving using a time division duplex (TDD) protocol (Fig.1, col. 4, lines 26-59), wherein the transmitting uses a frequency over a first time interval (Fig.1, col. 4, lines 26-59), and wherein the receiving uses the frequency over a second time interval (Fig.1, col. 4, lines 26-59).

Regarding **claim 59,** Balwani and Hulvey teach the smartphone according to Claim 26, Balwani further teaches wherein the preferentially communicating comprises using unlicensed band frequencies (Fig.1, col. 10, lines 1-37 teach using the WiFi or WiMAX, local network which reads on unlicensed band frequencies).

Regarding **claim 60,** Balwani and Hulvey teach the smartphone according to Claim 26, Balwani further teaches wherein the preferentially communicating comprises

using licensed band frequencies (Fig. 1 and col. 4, lines 26-59 teach GSM, CDMA reads on using licensed band frequencies).

7. Claims 9, 22, 35, 49, 55-56 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Balwani (US 8,532,069), hereinafter "Balwani", in view of Hulvey (US 2008/0146148), hereinafter "Hulvey", and further in view of Robinson (US 2007/0285280), hereinafter "Robinson".

Regarding **claims 9 and 35,** Balwani and Hulvey teach the method according to Claims 1, 26, further comprising; Balwani and Hulvey do not clearly teach sensing data associated with a living organism; enabling a pay function of the smartphone responsive to the sensing; conducting a financial transaction using the pay function of the smartphone; and paying for an item responsive to the enabling and conducting.

However, Robinson, in the same field of endeavor teaches sensing data associated with a living organism; enabling a pay function of the smartphone responsive to the sensing; conducting a financial transaction using the pay function of the smartphone (pars [0030-0034] teach a toll collection reads on conducting a financial transaction between the cellular device and the entity); and paying for an item responsive to the enabling and conducting (pars [0030-0034] teach the toll services being charged).

Therefore, it would have been obvious to one skilled in the art at the time of the invention, to modify Balwani and Hulvey, with Robinson's teaching, in order to use

sensing data associated with a living organism; enabling a pay function of the smartphone responsive to the sensing; conducting a financial transaction using the pay function of the smartphone; and paying for an item responsive to the enabling and conducting, including means for expanding the radio frequency identification (RFID) system and/or the short range communication system in the marketplace with a cost effective as taught by Robinson (col. 1, pars [0003-0005]).

Regarding **claims 22 and 49,** Balwani and Hulvey teach the method according to Claims 9, 35, Balwani and Hulvey do not clearly teach wherein the sensing comprises: using a sensor that is connected to the smartphone to perform the sensing; comparing data provided by the sensor with data stored in the smartphone; and determining whether a match exists between the data provided by the sensor and the data stored in the smartphone.

However, Robinson, in the same field of endeavor teaches wherein the sensing comprises: using a sensor that is connected to the smartphone to perform the sensing (pars [0024-0026] teach the toll service using the customer's cellular device); comparing data provided by the sensor with data stored in the smartphone (par [0026] and Fig. 6 teach the activation for the toll service); and determining whether a match exists between the data provided by the sensor and the data stored in the smartphone (par [0026 teach the matching based on the customer's activation requested or authorized reads on determining a match exists)

Therefore, it would have been obvious to one skilled in the art at the time of the invention, to modify Balwani and Hulvey, with Robinson's teaching, in order to use the sensing comprises: using a sensor that is connected to the smartphone to perform the sensing; comparing data provided by the sensor with data stored in the smartphone; and determining whether a match exists between the data provided by the sensor and the data stored in the smartphone, including means for expanding the radio frequency identification (RFID) system and/or the short range communication system in the marketplace with a cost effective as taught by Robinson (col. 1, pars [0003-0005]).

Regarding **claim 55,** Balwani and Hulvey teach the smartphone according to Claim 35, Balwani and Hulvey do not clearly teach wherein the sensing operation comprises receiving at the smartphone data from a first unit and transmitting data from the smartphone to a second unit.

However, Robinson, in the same field of endeavor teaches wherein the sensing operation comprises receiving at the smartphone data from a first unit and transmitting data from the smartphone to a second unit (pars [0022-0024] teach receiving/transmitting the data between the toll service entity and the cellular phone that registered).

Therefore, it would have been obvious to one skilled in the art at the time of the invention, to modify Balwani and Hulvey, with Robinson's teaching, in order to use wherein the sensing operation comprises receiving at the smartphone data from a first unit and transmitting data from the smartphone to a second unit, including means for

expanding the radio frequency identification (RFID) system and/or the short range communication system in the marketplace with a cost effective as taught by Robinson (col. 1, pars [0003-0005]).

Regarding **claim 56,** Balwani and Hulvey teach the smartphone according to Claim 35, Balwani and Hulvey do not clearly teach wherein the conducting and paying operations comprise: connecting with a bank account associated with a user of the smartphone; and deducting from the bank account an amount of money associated with the paying for the item.

However, Robinson, in the same field of endeavor teaches wherein the conducting and paying operations comprise: connecting with a bank account associated with a user of the smartphone (pars [0022-0024] [0033] teach the payments to the toll authority, and charged to the customer's account); and deducting from the bank account an amount of money associated with the paying for the item (pars [0022-0025] [0033] teach the payments to the toll authority, and charged to the customer's account for billing which is a design choice by the user to set automatically withdrawn the money from the bank account, etc.).

Therefore, it would have been obvious to one skilled in the art at the time of the invention, to modify Balwani and Hulvey, with Robinson's teaching, in order to use wherein the conducting and paying operations comprise: connecting with a bank account associated with a user of the smartphone; and deducting from the bank account an amount of money associated with the paying for the item, including means

for expanding the radio frequency identification (RFID) system and/or the short range communication system in the marketplace with a cost effective as taught by Robinson (col. 1, pars [0003-0005]).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael T. Vu whose telephone number is (571)272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles N. Appiah can be reached on 571-272-7904. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/MICHAEL T VU/
Primary Examiner, Art Unit 2641

Notice of References Cited	Application/Control No. 12/264,711	Applicant(s)/Patent Under Reexamination KARABINIS ET AL.	
	Examiner MICHAEL T. VU	Art Unit 2641	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-8,532,069	09-2013	Balwani, Ramesh	370/338
*	B	US-2008/0146148	06-2008	Hulvey, Robert William	455/41.1
*	C	US-2007/0285280	12-2007	Robinson et al.	340/928
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	Art Unit
	MICHAEL VU	2617

CPC- SEARCHED		
Symbol	Date	Examiner
H04W 64/00	1/21/2015	MTV

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner
H04W 64/00, H04W 4/02, H04W 48/04	1/21/2015	MTV

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
455	456.1-456.5, 426.1, 705	4/7/2015	MTV
	See Searched History	4/7/2015	MTV

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor Name: Karabinis Peter	4/7/2015	MTV
Assignee: Telcom Ventures, Inc.	4/7/2015	MTV
Double Patent Checked	4/7/2015	MTV
Update EAST Search System	4/7/2015	MTV

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

	/MICHAEL T VU/ Primary Examiner.Art Unit 2641

IPR2025-01239
Apple EX1044 Page 342

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	Art Unit
	MICHAEL VU	2617

✓	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	04/07/2015								
	1	✓								
	2	✓								
	3	✓								
	4	✓								
	5	✓								
	6	✓								
	7	-								
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IPR2025-01239
Apple EX1044 Page 343

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	Art Unit
	MICHAEL VU	2617

✓	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	04/07/2015								
	37	-								
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	55	✓								
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	57	✓								
	58	✓								
	59	✓								
	60	✓								

DOCKET NO. 028780-000060 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	Peter D. Karabinis	Conf. No.:	1684
Application No.	12/264,711	Group Art Unit:	2641
Filed:	November 4, 2008	Examiner:	Michael T. Vu

For: MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO PROXIMITY CRITERION

AFTER FINAL AMENDMENT UNDER 37 C.F.R. 1.116

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

June 17, 2015

Dear Commissioner:

This is in response to the Final Office Action dated April 17, 2015, and having a period for response set to expire on July 17, 2015.

The following amendments and remarks are respectfully submitted. Reconsideration of the claims is respectfully requested.

Amendments begin on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

IPR2025-01239
Apple EX1044 Page 345

Amendments:

1. (Previously Presented) A method comprising:

detecting that a proximity criterion is satisfied between a smartphone and an entity;

preferentially communicating by the smartphone using a first air interface while refraining from communicating by the smartphone using a second air interface responsive to the proximity criterion being detected as being satisfied and the smartphone receiving an identification that the smartphone recognizes; and

refraining from using the first air interface by the smartphone absent the smartphone receiving the identification that the smartphone recognizes even though the proximity criterion is detected as being satisfied.

2. (Previously Presented) The method according to Claim 1, wherein the detecting is performed by the smartphone, by a device that is associated with the entity, by a system that is associated with the smartphone, or a combination thereof.

3. (Previously Presented) The method according to Claim 1, further comprising selecting between the first air interface and the second air interface; wherein the selecting is performed by the smartphone, by a device that is associated with the entity, by a system that is associated with the smartphone, or a combination thereof.

4. (Previously Presented) The method according to Claim 1, wherein the receiving of the identification that the smartphone recognizes comprises:

receiving an identification; and

comparing the received identification to a predetermined list of identifications and finding a match therebetween.

5. (Previously Presented) The method according to Claim 1, further comprising enabling a mode of a device other than the smartphone responsive to the smartphone receiving the identification.

6. (Previously Presented) The method according to Claim 1, wherein detecting comprises:

using position information associated with the smartphone;

detecting a signal that is being radiated by the smartphone;

detecting a signal that is being radiated by a device that is associated with the entity; or

a combination thereof.

7 – 8. (Cancelled)

9. (Currently Amended) The method according to Claim 1, further comprising:

sensing physiological data associated with a living organism;

enabling a pay function of the smartphone responsive to the sensing;

conducting a financial transaction using the pay function of the smartphone; and

paying for an item responsive to the enabling and conducting.

10 – 21. (Cancelled)

22. (Previously Presented) The method according to Claim 9, wherein the sensing comprises:

using a sensor that is connected to the smartphone to perform the sensing;

comparing data provided by the sensor with data stored in the smartphone; and

determining whether a match exists between the data provided by the sensor and the data stored in the smartphone.

23 – 25. (Cancelled)

26. (Previously Presented) A smartphone comprising:

a processor configured to detect that a proximity criterion is satisfied between the smartphone and an entity and configured to control the smartphone to perform operations comprising:

preferentially communicating using a first air interface while refraining from communicating using a second air interface responsive to the processor detecting that the proximity criterion is satisfied and the smartphone receiving an identification that the smartphone recognizes; and

refraining from using the first air interface absent receiving by the smartphone the identification that the smartphone recognizes even though the processor detects that the proximity criterion is satisfied.

27. - 28. (Cancelled)

29. (Previously Presented) The smartphone according to Claim 26, wherein the smartphone recognizes the identification by:

receiving an identity; and

comparing the received identity to a predetermined list of identities and finding a match therebetween.

30. (Previously Presented) The smartphone according to Claim 26, further comprising a device other than the smartphone configured to have a mode of operation enabled responsive to the smartphone receiving the identification that is recognized.

31-34. (Canceled)

35. (Currently Amended) The smartphone according to Claim 26, wherein the processor is configured to control the smartphone to perform further operations comprising:

sensing physiological data associated with a living organism;

enabling a pay function responsive to the sensing;

conducting a financial transaction using the pay function; and

paying for an item responsive to the enabling and conducting.

36-48. (Canceled)

49. (Previously Presented) The smartphone according to Claim 35, wherein the sensing operation comprises:

using a sensor that is connected to the smartphone to perform the sensing;

comparing data provided by the sensor with data stored in the smartphone; and

determining whether a match exists between the data provided by the sensor and the data stored in the smartphone.

50-54. (Canceled)

55. (Previously Presented) The smartphone according to Claim 35, wherein the sensing operation comprises receiving at the smartphone data from a first unit and transmitting data from the smartphone to a second unit.

56. (Previously Presented) The smartphone according to Claim 35, wherein the conducting and paying operations comprise:

connecting with a bank account associated with a user of the smartphone; and

deducting from the bank account an amount of money associated with the paying for the item.

57. (Previously Presented) The smartphone according to Claim 26, wherein the preferentially communicating comprises wirelessly communicating using an orthogonal frequency division multiplexing (OFDM) protocol, an orthogonal frequency division multiple access (OFDMA) protocol, or a combination thereof.

58. (Previously Presented) The smartphone according to Claim 26, wherein the preferentially communicating comprises:

transmitting and receiving using a time division duplex (TDD) protocol,

wherein the transmitting uses a frequency over a first time interval, and

wherein the receiving uses the frequency over a second time interval.

59. (Previously Presented) The smartphone according to Claim 26, wherein the preferentially communicating comprises using unlicensed band frequencies.

60. (Previously Presented) The smartphone according to Claim 26, wherein the preferentially communicating comprises using licensed band frequencies.

Remarks/Arguments

The kindness and helpfulness of Examiner Vu during the telephone discussion of June 9, 2015 are acknowledged and greatly appreciated. The following arguments are based on the telephone discussion.

On page 2 of the Office Action, claims 1-6, 26, 29-30, and 57-60 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Balwani (US 8,532,069) in view of Hulvey (US 2008/0146148). Claims 1 and 26 are independent claims, claims 2-6 depend on claim 1, and claims 29-30 and 57-60 depend on claim 26. The applicants respectfully traverse the rejection for at least the reason that Balwani in view of Hulvey does not teach or suggest every element of claims 1 and 26.

Claim 1 includes, *inter alia*, "detecting that a proximity criterion is satisfied between a smartphone and an entity; preferentially communicating by the smartphone using a first air interface while refraining from communicating by the smartphone using a second air interface responsive to the proximity criterion being detected as being satisfied and the smartphone receiving an identification that the smartphone recognizes; and refraining from using the first air interface by the smartphone absent the smartphone receiving the identification that the smartphone recognizes even though the proximity criterion is detected as being satisfied." Claim 26 includes similar features. A smartphone **preferentially communicates with an entity using a first air interface** (e.g., the smartphone preferentially communicates with a femtocell when proximate thereto using the first air interface) while refraining from communicating using a second air interface (e.g., with a base station), even if the smartphone is capable of communicating using the second air interface (e.g., with the base station) when proximate to the entity (e.g., when proximate to the femtocell). However, when the smartphone does not receive the identification that the smartphone recognizes, the smartphone **refrains from using the first air interface**, even though it is within the required proximity of the entity.

Balwani is directed to a mobile wireless device subject to local management, wherein different policies can be applied within local networks. See abstract of Balwani. As an initial matter, Applicants respectfully point out that the teachings of Balwani are irrelevant to claims 1 and 26 for the simple reason that they do not relate to "*preferentially communicating by the*

IPR2025-01239
Apple EX1044 Page 351

smartphone using a first air interface while refraining from communicating by the smartphone using a second air interface responsive to the proximity criterion being detected as being satisfied." as Claim 1 requires. The teachings of Balwani relate solely and exclusively to refraining from using certain features/functions of the smartphone responsive to the proximity criterion being detected as being satisfied. See col. 10, line 38 – col. 11, line 25 of Balwani, for example. In fact, Balwani teaches away from the above recitation of Claim 1 of *preferentially communicating ... using a first air interface while refraining from communicating ... using a second air interface ...* because according to Balwani's system/method it is **necessary** to use the first **and** the second air interface *responsive to the proximity criterion being detected as being satisfied*, as will be explained further below, in order for Balwani's system/method to function as intended.

According to Balwani, both air interfaces must be used by the smartphone when *the proximity criterion is being detected as being satisfied*. This may be seen, for example, by examining column 5, line 57 to column 6 line 22 of Balwani, which is referring to Figure 1 thereof, repeated below for the convenience of the Examiner.

> In this example, equipment **140** stores local policy information that is applied to wireless devices such as cellular telephone **110** when such devices are in the vicinity of equipment **140**. Equipment **140** communicates with cellular tele phone **110**, specifically with layer **150**, which may include its own receive and communications hardware and/or software. Communications between equipment **140** and layer **150** is preferably established using a different frequency band than used by the cellular network that provide personal communications services to the user. Thus, cellular telephone **110** can, for example, receive signals on a separate and distinct communications channel, which **would not interfere** with **or add to the communications traffic of the cellular telephone network**.
>
> Communications between equipment **140** and layer **150** and consequently cellular telephone **110** can be configured to be one way or two-way communications. In a one-way arrangement, equipment **140** can be configured to transmit local policy information **to all devices that are in its vicinity** for reception by layer **150** of those devices. **The local policy information can be transmitted intermittently,**

IPR2025-01239
Apple EX1044 Page 352

> **continuously, or in some other suitable manner**. In such embodiments, layer **150** would receive and store the policy information and apply the reflected policy within the cellular telephone **110** to **manage the user or operation of telephone 110 or components or features therein**. Thus, management or control of a wireless device can be applied at the device level **independent of the operating environment of the communications services of telephone 110**. Management or control can be used to apply local policies when a freely roaming mobile device enters the vicinity of local airspace management equipment **140**. Such management and control can be implemented without involving user involvement.
>
> (Balwani; column 5 line 57 to column 6, line 22). (Emphasis Added).

Accordingly, Balwani does not in any way preclude the possibility of a smartphone entering the vicinity of the *local airspace management equipment* **140** while communicating with *base station* **120** and receiving from the *local airspace management equipment* **140** *local policy information* while continuing to communicate with *base station* **120**. By allowing for such a scenario, Balwani teaches away from *preferentially communicating by the smartphone using a first air interface while refraining from communicating by the smartphone using a second air interface responsive to the proximity criterion being detected as being satisfied ...* as is recited by independent Claim 1 of the present application. Nowhere does Balwani teach, suggest or anticipate giving preference to one of the two communications modes while refraining from using the other, because according to Balwani's system/method both are necessary. According to Balwani, as the phone to *base station* **120** communications take place, communications between the phone and the *local airspace management equipment* **140** provide management (i.e., disablement) of one or more features/functions of the phone while the phone is within the vicinity of the *local airspace management equipment* **140**.

Applicants respectfully disagree with the Examiner's interpretation of Figures 1 and 5 of Balwani. At the top of page 3 of the Office Action, the Examiner asserts: *Figs. 1 & 5 teach a dual-mode phone switching between a cellular communication and a WiFi communication when entered the vicinity such as a restaurant, office, school, etc.* Balwani does teach a dual-mode phone capable of communicating with a base station **and** with a local access point (i.e., the *local airspace management equipment*) but **there is nothing in Balwani that teaches, implies,**

suggests or anticipates any switching between the two modes. This is very understandable since according to Balwani's teachings the local access point is not there to substitute for the base station in providing cellular communications to the phone when the phone is proximate thereto but instead, the local access point is there to control the phone as to which function(s) thereof to disable such as, taking pictures/video, recording of conversations, making outgoing calls, etc.; as is clearly stated in, for example, column 10 of Balwani.

In the second paragraph of page 3 of the Office Action the Examiner referes to Figure 1 of Balwani and states: *Fig. 1 shows a Cellular Phone 110 using the Base Station 120 to connect to OFDM or long range reads on a first air interface and the Cellular Phone 110 is using a second interface to connect to WiFi or local communication*. Applicants agree that Figure 1 of Balwani shows the *cellular telephone 110* communicating with the *base station 120* **and** with the *local airspace management equipment 140*. However, neither Figure 1 of Balwani nor the description thereof in column 4, line 26 to column 7, line 2 of Balwani (or any place else in Balwani) teach, suggest, imply or anticipate anything regarding ***preferentially communicating … using a first air interface while refraining from communicating … using a second air interface …*** Respectfully, the Examiner's assertion that Figure 1 of Balwani teaches *preferentially communicating by the smartphone using a first air interface while refraining from communicating by the smartphone using a second air interface responsive to the proximity criterion being detected as being satisfied* remains unsubstantiated by Balwani in the description of Figure 1 thereof or relative to any other section of Balwani.

Balwani is completely silent on such a teaching of *preferentially ...* and *refraining ...* because the system/method of Balwani requires usage of both communications link and both air interfaces respectively associated therewith in order for the system/method of Balwani to perform its intended functionality, as taught by Balwani. Respectfully, using a first air interface and a second air interface, as is required by the system/method of Balwani for proper operation, does **not** teach, imply, suggest or anticipate *preferentially communicating ... using a first air interface while refraining from communicating ... using a second air interface ...* unless such *preferentially ...* and *refraining ...* is explicitly taught. Balwani remains silent on such teachings for good reason: **the proper operation of Balwani's system/method requires that the cellular phone communicate with both the base station and the local access point; any preferential**

IPR2025-01239
Apple EX1044 Page 354

communication with one while refraining from communicating with the other would render Balwani's system/method inoperable. Balwani clearly states ...*cellular telephone 110 can, for example, receive signals on a separate and distinct communications channel, which would* ***not interfere with or add to the communications traffic of the cellular telephone network*** (*see* Balwani; column 5, line 66 to column 6, line 3; Emphasis Added). This excerpt of Balwani to *receive signals on a separate and distinct communications channel* in order to *not interfere with or add to the communications traffic of the cellular telephone network* suggests the autonomous, and potentially concurrent, operation of two separate and distinct communications links and two separate/distinct respective air interfaces associated therewith. There is no mention in Balwani of preferring one vs the other. Accordingly, based on the teachings of Balwani, the operation of both air interfaces is **not only allowed but is in fact necessary** for the proper operation of the system/method taught by Balwani. Thus, Balwani teaches against *preferentially communicating ... using a first air interface while refraining from communicating ... using a second air interface ...* as is recited in Claim 1 of the present application.

Further to the above, Balwani states: ...*layer 150 would receive and store the policy information and apply the reflected policy within the cellular telephone 110 to manage the user or operation of telephone 110 or components or features therein.* ***Thus, management or control of a wireless device can be applied at the device level independent of the operating environment of the communications services of telephone 110. Management or control can be used to apply local policies when a freely roaming mobile device enters the vicinity of local airspace management equipment 140*** (*see* Balwani column 6 lines 11-20; Emphasis Added). Accordingly, the statement of Balwani that …*management or control of a wireless device can be applied at the device level* ***independent of the operating environment of the communications services of telephone 110 … when a freely roaming mobile device enters the vicinity of local airspace management equipment 140*** allows for the *freely roaming mobile device* to enter the vicinity of the *local airspace management equipment 140* while engaged in a cellular call; certainly Balwani does not preclude such a possibility. Thus, under such a scenario, both air interfaces would come into play simultaneously; the cellular air interface supporting the call and the air interface used by the local airspace management equipment providing the *local policy*.

Regarding the Examiner's assertion that column 9, line 46 to column 10, line 37 of Balwani teaches *refraining from using the first air interface by the smartphone absent the smartphone receiving the identification that the smartphone recognizes even though the proximity criterion is detected as being satisfied* (*see* third paragraph of page 3 of the Office Action), Applicants respectfully disagree. An examination of the stated excerpt of Balwani reveals no such teaching but instead reveals the following:

> In one embodiment, a local airspace management network can be configured to apply policy settings through the network operator that provides personal communications services to wireless device users. For example, in a cellular telephone scenario, a local airspace management network can communicate with a cellular network operator (e.g., communicate with a cellular wide area network) to apply local policies to a cellular telephone through a communication that initiated by the local airspace management network and **communicated to a wireless device through the cellular network**. Thus, a command to disable a camera on cellular telephone can be transmitted by the cellular network in response to a request or communication received from a local airspace management network. The same can, for example, also apply in other embodiments of local airspace management networks such as in the WiFi or WiMAX embodiments illustratively described above. To implement such a feature, a request to apply local policies can, for example, be automatically sent (to a personal communications services network) based on **detecting a particular wireless device within a particular local area** or can be manually sent (e.g., by **requesting that users that enter a particular area provide their telephone numbers to the establishment**). (Balwani; column 10 lines 15-37; Emphasis Added).

Again, it may be seen from the above excerpt of Balwani that there is no *refraining ...* because communications using both air interfaces takes place. The statement *communicated to a wireless device through the cellular network* refers to communications of the cellular device with a base station and *detecting a particular wireless device within a particular local area* or

requesting that users that enter a particular area provide their telephone numbers to the establishment refers to communications of the cellular device with the local access point.

Hulvey does not compensate for the deficiencies of Balwani. Hulvey is directed to using a single antenna for active and passive radio functions. See abstract of Hulvey. Hulvey is cited for teaching using a plurality of connection modes in a wireless device. See Office Action page 3. However, Hulvey does not disclose, teach, or suggest at least "preferentially communicating by the smartphone using a first air interface while refraining from communicating by the smartphone using a second air interface responsive to the proximity criterion being detected as being satisfied and the smartphone receiving an identification that the smartphone recognizes; and refraining from using the first air interface by the smartphone absent the smartphone receiving the identification that the smartphone recognizes even though the proximity criterion is detected as being satisfied." Hulvey describes switching between communication modes wherein a first operating mode is selected when Wi-Fi communication is enabled, and a second operating mode is selected when Wi-Fi communication is not enabled. See Hulvey par. [0024]. In another embodiment, the switching is between an active component when active communication is enabled and a passive component (e.g., an RFID tag) at other times. See Hulvey par. [0030]. These selections are based purely on which mode is enabled, but neither mode is selected preferentially, and neither mode is avoided, based on any criteria other than the selected mode. Hulvey does not disclose, teach, or suggest selecting a first mode (and refraining from another mode) responsive to a proximity criterion being detected as being satisfied and the device receiving a recognized identification. Hulvey also does not disclose, teach, or suggest refraining from the first mode when the proximity criterion is satisfied and the recognizable identification is not received.

Applicants believe that for at least the reasons presented above independent Claims 1 and 26 are patentable over Balwani in view of Hulvey. Applicants do not necessarily agree with the Examiner's interpretation of independent Claims 1 and 26, the Examiner's interpretation of Balwani and/or Hulvey, nor with the Examiner's bases for rejection set forth in the Office Action and reserve the right to argue against any and all such interpretations/references/bases in the future as necessary.

Many of the dependent claims are separately patentable. However, as each of these dependent claims depends from an independent base claim that is believed to be in condition for allowance, Applicants do not believe that it is necessary to argue the allowability of each dependent claim individually. Applicants do not necessarily concur with the Examiner's interpretation of these claims, nor with the bases for rejection set forth in the Office Action. Applicants therefore reserve the right to address the patentability of these claims individually as necessary in the future.

On page 7 of the Office Action, claims 9, 22, 35, 49, and 55-56 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Balwani in view of Hulvey and Robinson (US 2007/0285280). Claims 9 and 22 depend on claim 1, and claims 35, 49, and 55-56 depend on claim 26. Therefore, these claims should be allowed for at least the reasons given above with respect to claims 1 and 26. Additionally, dependent Claims 9 and 35 have been amended to further clarify/accentuate patentable distinctions thereof over the prior art of Robinson cited by the Examiner. Support for these amendments is to be found, for example, in paragraph [00025] of the present application. Applicants respectfully point out that nowhere in Robinson is any teaching or anticipation of *sensing physiological data associated with a living organism* as Claims 9 and 35 now recite. Applicants further note that Robinson does not compensate for the deficiencies of Balwani and Hulvey discussed above. Robinson, cited for allegedly teaching sensing data associated with a living organism and directed to cellular communications based toll services (see abstract of Robinson) does not disclose, teach, or suggest at least "detecting that a proximity criterion is satisfied between a smartphone and an entity; preferentially communicating by the smartphone using a first air interface while refraining from communicating by the smartphone using a second air interface responsive to the proximity criterion being detected as being satisfied and the smartphone receiving an identification that the smartphone recognizes; and refraining from using the first air interface by the smartphone absent the smartphone receiving the identification that the smartphone recognizes even though the proximity criterion is detected as being satisfied."

The application is in condition for allowance. All amendments are supported by the specification. An early notice of allowance is earnestly solicited.

Please charge any shortage in the fees or credit any overpayment to Deposit Account No. 50-3266.

Respectfully submitted,

DLA PIPER LLP US

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IPR2025-01239
Apple EX1044 Page 359

Electronic Acknowledgement Receipt

EFS ID:	22649568
Application Number:	12264711
International Application Number:	
Confirmation Number:	1684
Title of Invention:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION
First Named Inventor/Applicant Name:	PETER D. KARABINIS
Customer Number:	47604
Filer:	Dale S. Lazar/Ava M. Dixon
Filer Authorized By:	Dale S. Lazar
Attorney Docket Number:	028780-000060
Receipt Date:	17-JUN-2015
Filing Date:	04-NOV-2008
Time Stamp:	19:29:49
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		028780-000060_AmendmentAfterFinalJune172015.pdf	155403 8f15dfadacc517d2fda48b5a5185bb10c450498e	yes	15

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Response After Final Action	1	1
	Claims	2	6
	Applicant Arguments/Remarks Made in an Amendment	7	15
Warnings:			
Information:			
	Total Files Size (in bytes):	155403	

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

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

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

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

PTO/SB/06 (09-11)
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 12/264,711	Filing Date 11/04/2008	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT **06/17/2015**

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 19	Minus	** 54	= 0	X $40 =	0
Independent (37 CFR 1.16(h))	* 2	Minus	***4	= 0	X $210 =	0
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0

AMENDMENT

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

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

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

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

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

LIE
/KAREN VESTAL/

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.
12/264,711	11/04/2008	PETER D. KARABINIS	028780-000060	1684

47604 7590 06/26/2015

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EXAMINER
VU, MICHAEL T

ART UNIT	PAPER NUMBER
2641	

NOTIFICATION DATE	DELIVERY MODE
06/26/2015	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):

PatentProsecutionRes@dlapiper.com

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 12/264,711	**Applicant(s)** KARABINIS ET AL.	
	Examiner MICHAEL T. VU	**Art Unit** 2641	**AIA (First Inventor to File) Status** No

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

THE REPLY FILED 17 June 2015 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

NO NOTICE OF APPEAL FILED

1. ☒ The reply was filed after a final rejection. No Notice of Appeal has been filed. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114 if this is a utility or plant application. Note that RCEs are not permitted in design applications. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action; or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
   c) ☐ A prior Advisory Action was mailed more than 3 months after the mailing date of the final rejection in response to a first after-final reply filed within 2 months of the mailing date of the final rejection. The current period for reply expires months from the mailing date of *the prior Advisory Action* or SIX MONTHS from the mailing date of the final rejection, whichever is earlier.

   Examiner Note: If box 1 is checked, check either box (a), (b) or (c). ONLY CHECK BOX (b) WHEN THIS ADVISORY ACTION IS THE FIRST RESPONSE TO APPLICANT'S FIRST AFTER-FINAL REPLY WHICH WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. ONLY CHECK BOX (c) IN THE LIMITED SITUATION SET FORTH UNDER BOX (c). See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) or (c) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendments filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   b) ☐ They raise the issue of new matter (see NOTE below);
   c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): (a) ☐ will not be entered, or (b) ☒ will be entered, and an explanation of how the new or amended claims would be rejected is provided below or appended.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
9. ☐ The affidavit or other evidence filed after final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
10. ☐ The affidavit or other evidence filed after the date of filing the Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
11. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

12. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
13. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
14. ☐ Other: _____.

STATUS OF CLAIMS

15. The status of the claim(s) is (or will be) as follows:
    Claim(s) allowed: .
    Claim(s) objected to: .
    Claim(s) rejected: 1-6, 26, 29-30, and 57-60.
    Claim(s) withdrawn from consideration: .

/Michael T. Vu/ Primary Examiner AU-2641	

IPR2025-01239
Apple EX1044 Page 364

Applicant argued that neither Balwani and Hulvey fail to disclose "preferentially communicating by the smartphone using a first air interface while refraining form communicating by the smartphone using a second air interface responsive to the proximity criterion being detected as being satisfied (See Remarks on pages 7-10), and the smartphone receivng an identifcation that the smartphone recognizes, and refraining form using the first air interface by the smartphone absent the smartphone receiving the identification that the smartphone recognizes even though the proximity criterion is detected as being satisfied (See Remarks on page 14)". The exeminer respectfully disagrees with applicant's argument.

In response, first, the claims are broadly written and do not fully define (or narrowly define) exactly WHAT and HOW preferntially communicating by the smartphone that responsive to the proximity criterion being detected as being statisfied/recognized, and also the claims do not give a reason how the smartphone is identified and detected as being satisfied/recognized..

Since the claims are broadly written, the examiner MUST give the broadest interpretation. Balwani (col. 12, lines 49-55) clearly teaches the cellular networks such as using GSM, GPRS, CDMA, or other cellular telephone communications protocol, e.g., WLAN, Wifi can be configured to to interact with wireless devices to authenticate the user of a device. Authentication may be used to apply a local policy to an authenticated user. For example, authentication may identify various categories of users such as trusted users, guests, or contractors which provide authentication services and to identify authorized users of the local entity's computer network (e.g., enterprise network, see col. 2, lines 47-54), in which reads on responsive to the proximity criterion being detected as being satisfied/recognized/idenitifed.

Balwani (Figure 2 teaches the celluar telephone networks that serving the communicating services including the long range communications (macro cell, GSM, GPRS, CDMA) and short range communications (e.g. the local entities such building, university campuses, or other areas, for example WLAN, Wifi that meet the entity policies which reads on the prosimity criterion). By all means, the user of the device has been authenticated and/or the device has been authenticated which reads on detected is being satified/recognized/identified).

Balwani (col. 4, lines 29-59 teaches FIGS. 1 and 2 are directed to cellular telephones but if desired, can be applied to data devices that are supported by cellular communications networks. With reference now to FIG. 1, cellular telephone 110 may be a cellular telephone that is operable in a cellular telephone network such as one that is implemented using GSM, GPRS, CDMA, or other cellular telephone communications protocol, which clearly reads on the long range and the short range communications networks and/or the first air interface protocol and the second air interface protocol.

Balwani (col. 6, lines 28-45) teaches user authentication can be implemented to apply different policy settings. A user may be prompted to enter user authentication information or biometrics that is to be transmitted to equipment 140. Equipment 140 can store user information and can have access to (e.g., through a local network connection) to a user authentication database to retrieve information on users that for example have been given access to the local entity's computer networks. Equipment 140 can also use that information to determine polices to applied for a particular user of cellular telephone 110. Authentication information can be stored on cellular telephone 110 (e.g., as part of layer 150) to automatically enable services or to apply policies when a user reenters the vicinity of local airspace management equipment 140. User authentication can for example also provide the ability to a local user to be logged into the local area network of an organization at multiple nodes such as at the user's personal computer at his desk and also at that user's cellular telephone which reads on the responsive to the proximity criterion being detected as being satisfied/recognized/identified.

Furthermore, Balwani (Figure 2, and col. 12, lines 53-57) clearly teaches a wireless device can be a dual-mode telephone such as one that can switch between the cellular networks such as the long range communication network which reads on a first air interface, and the short range communication network, e.g., WLAN/WiFi which reads on a second air interface. As skilled in the art would understand that when the mobile device locates inside the building/campuses…the mobile device automatically switched from the long range communication to the short range communication such as WLAN/Wifi…for example, the wireless communications device may be configured to selectively and/or preferentially enable a first communications mode, that may be one communications mode of a plurality of communications modes, that uses, for example, a first air interface protocol and a first set of frequencies to communicate information wirelessly, and a second communications mode, of the plurality of communications modes, comprising a second set of frequencies and/or a second air interface protocol based on the

first air interface protocol and the second air interface protocol as taught by Balwani. In which reads on the claims limitations of claims 1 and 26.

Balwani (Fig. 2) teaches the dual mobile wireless device is using a first air interface and a second air interface when the mobile device locates inside the building its automatically switched to a short range communication, e.g., WLAN/Wifi reads on proximity criterion is detected as being satified.

Balwani (col. 9, lines 47-56) teaches the mobile wireless devices for providing personal communications services that are configured to provide data or voice content (telephone, e-mail, messaging, etc.) using 802.16 (WiMAX) communications. Individual base stations in a WiMAX can typically have a longer range of coverage (e.g., 15-30 miles) as compared to base stations in a cellular telephone network (e.g., a range of 1-2 miles). A WiMAX network can be used to implement personal communications services such as telephone or data content and could support integrated devices (e.g., data and voice) which clearly reads on the smartphone using a first air interface while refraining from communicating by the smartphone using a second air interface responsive to the proximity criterion being detected as being satisfied/recognized/identified..

From the above, the examiner believes that the rejection of claims 1-6, 26, 29-30, and 57-60 are proper and are therefore maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael T. Vu whose telephone number (571) 272-8131. The examiner can normally be reached on 8:30 AM – 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 272-8300.

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) 272-9000.

/Michael T. Vu/
Primary Examiner AU-2641

IPR2025-01239
Apple EX1044 Page 366

OK TO ENTER: /MTV/

DOCKET NO. 028780-000060 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	Peter D. Karabinis	Conf. No.:	1684
Application No.	12/264,711	Group Art Unit:	2641
Filed:	November 4, 2008	Examiner:	Michael T. Vu
For:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO PROXIMITY CRITERION		

AFTER FINAL AMENDMENT UNDER 37 C.F.R. 1.116

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

June 17, 2015

Dear Commissioner:

This is in response to the Final Office Action dated April 17, 2015, and having a period for response set to expire on July 17, 2015.

The following amendments and remarks are respectfully submitted. Reconsideration of the claims is respectfully requested.

Amendments begin on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

IPR2025-01239
Apple EX1044 Page 367

PTO/SB/30 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
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Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	12/264,711
Filing Date	11-04-2008
First Named Inventor	Peter D. Karabinis
Art Unit	2641
Examiner Name	Michael T. Vu
Attorney Docket Number	028780-000060 (9466-24)

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. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. 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).

   a. [✓] 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.

      i. [ ] Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

      ii. [✓] Other Consider the previously submitted arguments in response to the Final Office Action as a submission under 37 CFR 1.114

   b. [✓] Enclosed

      i. [ ] Amendment/Reply

      ii. [ ] Affidavit(s)/ Declaration(s)

      iii. [ ] Information Disclosure Statement (IDS)

      iv. [✓] Other Remarks, POA, EOT

2. Miscellaneous

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

   b. [ ] Other _____

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

   a. [✓] The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 50-0220.

      i. [ ] RCE fee required under 37 CFR 1.17(e)

      ii. [ ] Extension of time fee (37 CFR 1.136 and 1.17)

      iii. [✓] Other Any additional fee that may be required, or credit any refund

   b. [ ] Check in the amount of $ _____ enclosed

   c. [✓] Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	/Mitchell S. Bigel/	Date	08-05-2015
Name (Print/Type)	Mitchell S. Bigel	Registration No.	29,614

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature			
Name (Print/Type)		Date	

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. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
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Attorney Docket No. 028780-000060 (9466-24) PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Peter D. Karabinis et al. Confirmation No.: 1684
Application No.: 12/264,711 Examiner: Michael T. Vu
Filed: November 4, 2008 Group Art Unit: 2641
For: MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO PROXIMITY CRITERION

August 5, 2015

Mail Stop RCE
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

REMARKS ACCOMPANYING
REQUEST FOR CONTINUED EXAMINATION (RCE)

Sir:

Responsibility for the present application has now been transferred to the undersigned. The present RCE is being filed along with a request for a three-month suspension of action. This suspension of action will allow the undersigned to become familiar with the application and prior prosecution, confer with the inventors, and formulate a strategy for future prosecution. Accordingly, Applicants respectfully request entry of the present RCE and suspension of the action for a period of up to three months.

If any additional extension of time for the accompanying response or submission is required, please consider this a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,

Mitchell S. Bigel
Registration No. 29,614

Customer Number 20792

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with 37 CFR § 1.6(a)(4) to the U.S. Patent and Trademark Office on August 5, 2015.

Susan E. Freedman

PTO/SB/22 (03-13)
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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional): 028780-00060 (9466-24)

Application Number: 12/264,711

Filed: 11-04-2008

For: MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO PROXIMITY CRITERION

Art Unit: 2461

Examiner: Michael T. Vu

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

		Fee	Small Entity Fee	Micro Entity Fee	
☑	One month (37 CFR 1.17(a)(1))	$200	$100	$50	$ 100
☐	Two months (37 CFR 1.17(a)(2))	$600	$300	$150	$
☐	Three months (37 CFR 1.17(a)(3))	$1,400	$700	$350	$
☐	Four months (37 CFR 1.17(a)(4))	$2,200	$1,100	$550	$
☐	Five months (37 CFR 1.17(a)(5))	$3,000	$1,500	$750	$

☑ Applicant asserts small entity status. See 37 CFR 1.27.

☐ Applicant certifies micro entity status. See 37 CFR 1.29.
Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

☐ A check in the amount of the fee is enclosed.

☑ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____.

☐ Payment made via EFS-Web.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71. 37 CFR 3.73(b) statement is enclosed (Form PTO/SB/96).

☐ attorney or agent of record. Registration number _____.

☑ attorney or agent acting under 37 CFR 1.34. Registration number 29,614.

Signature — Date: 08-05-2015

Mitchell S. Bigel — Typed or printed name

919-854-1400 — Telephone Number

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.

☑ * Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). 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 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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PTO/AIA/80 (07-12)
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POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(c).

I hereby appoint:

■ Practitioners associated with Customer Number: 20792

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

As attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignments documents attached to this form in accordance with 37 CFR 3.73(c).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(c) to:

■ The address associated with Customer Number: 20792

OR

☐	Firm or Individual Name			
	Address			
	City		State	Zip
	Country			
	Telephone		Email	

Assignee Name and Address: Telcom Ventures, L.L.C., 200 South Biscayne Blvd., 41st Floor, Miami, Florida 33131-2398

A copy of this form, together with a statement under 37 CFR 3.73(c) (Form PTO/AIA/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(c) may be completed by one of the practitioners appointed in this form, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature	Rajendra Singh	Date	28/7/2013
Name	Rajendra Singh	Telephone	703 447 2788
Title	Chairman		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. 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 3 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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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Peter D. Karabinis, Rajendra Singh

Application No./Patent No.: 12/264,711 Filed/Issue Date: 11-04-2008

Titled: MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO PROXIMITY CRITERION

TELCOM VENTURES, LLC , a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.

states that it is:

1. [X] the assignee of the entire right, title, and interest in;

2. [ ] an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or

3. [ ] the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

A. [X] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 021783, Frame 0946, or for which a copy therefore is attached.

OR

B. [ ] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet(s).

[X] As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (*i.e.*, a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature — 08-05-2015 Date

Mitchell S. Bigel, Registration No. 29,614 — Printed or Typed Name

Patent Attorney — Title

This collection of information is required by 37 CFR 3.73(b). 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. 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.

Electronic Patent Application Fee Transmittal

Application Number:	12264711
Filing Date:	04-Nov-2008
Title of Invention:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION
First Named Inventor/Applicant Name:	PETER D. KARABINIS
Filer:	Mitchell S. Bigel/Susan E. Freedman
Attorney Docket Number:	028780-000060

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 - 1 month with $0 paid	2251	1	100	100
Miscellaneous:				
RCE- 2nd and Subsequent Request	2820	1	850	850
		Total in USD ($)		**950**

Electronic Acknowledgement Receipt

EFS ID:	23121041
Application Number:	12264711
International Application Number:	
Confirmation Number:	1684
Title of Invention:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION
First Named Inventor/Applicant Name:	PETER D. KARABINIS
Customer Number:	47604
Filer:	Mitchell S. Bigel/Susan E. Freedman
Filer Authorized By:	Mitchell S. Bigel
Attorney Docket Number:	028780-000060
Receipt Date:	05-AUG-2015
Filing Date:	04-NOV-2008
Time Stamp:	13:22:47
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$950
RAM confirmation Number	9742
Deposit Account	
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

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)	9466-24_2015-08-05_RCE.pdf	148205 f29a889852893cc657cfded53de5156604838785	no	1
Warnings:					
This is not a USPTO supplied RCE SB30 form.					
Information:					
2	Supplemental Response or Supplemental Amendment	9466-24_2015-08-05_Remarks.pdf	96177 c507921d6de1c34c1f22b3450628a69a078b117e	no	1
Warnings:					
Information:					
3	Extension of Time	9466-24_2015-08-05_EOT.pdf	123112 eb760a872f65726ca1dd7f0019744646004 00c7e	no	1
Warnings:					
Information:					
4		9466-24_2015-08-05_POA.pdf	265569 836c48e59cd1806a85aa133129dd02e912a71518	yes	2

Multipart Description/PDF files in .zip description

Document Description	Start	End
Power of Attorney	1	1
Assignee showing of ownership per 37 CFR 3.73	2	2

Warnings:					
Information:					
5	Fee Worksheet (SB06)	fee-info.pdf	32584 40c225e2d73dd801c2d2cc1c7df697acc9929a64	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	665647		

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New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/264,711	11/04/2008	PETER D. KARABINIS	028780-000060

CONFIRMATION NO. 1684

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

POA ACCEPTANCE LETTER

OC000000076840664

Date Mailed: 08/12/2015

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/05/2015.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at **(571) 272-4000** or **(571) 272-4200** or **1-888-786-0101**.

/ytdemisse/

IPR2025-01239
Apple EX1044 Page 378

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/264,711	11/04/2008	PETER D. KARABINIS	028780-000060

CONFIRMATION NO. 1684

POWER OF ATTORNEY NOTICE

47604
DLA PIPER LLP US
P. O. BOX 2758
RESTON, VA 20195

OC000000076840636

Date Mailed: 08/12/2015

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/05/2015.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at **(571) 272-4000** or **(571) 272-4200** or **1-888-786-0101**.

/ytdemisse/

IPR2025-01239
Apple EX1044 Page 379

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/264,711	11/04/2008	PETER D. KARABINIS	028780-000060	1684

20792 7590 09/23/2015
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

EXAMINER
VU, MICHAEL T

ART UNIT	PAPER NUMBER
2641	

MAIL DATE	DELIVERY MODE
09/23/2015	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. 12/264,711	Applicant(s) KARABINIS ET AL.	
	Examiner MICHAEL T. VU	Art Unit 2641	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 *08/05/2015*.

☐ 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) *1-6,9,22,26,29,30,35,49 and 55-60* 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) *1-6,9,22,26,29,30,35,49 and 55-60* 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 *11/04/2008* 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: _____.

IPR2025-01239
Apple EX1044 Page 381

DETAILED ACTION

1. The present application is being examined under the pre-AIA first to invent provisions.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/05/2015 has been entered.

Claim Rejections - 35 USC § 103

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

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

4. Claims 1-6, 9, 22, 26, 29-30, 35, 49, 55-60 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Luo et al (US 2009/0023474), hereinafter “Luo“, in view of Santhana (US 2007/0265984), hereinafter “Santhana“.

Regarding **claims 1 and 26,** Luo teaches a method comprising:

detecting that a proximity criterion is satisfied between a smartphone and an entity (Fig.1 shows RFID Mobile Phone 103 detects a proximity criterion RFID tag 107 reads on satisfied between a smartphone and an entity);

preferentially communicating by the smartphone using a first air interface while refraining from communicating by the smartphone using a second air interface responsive to the proximity criterion being detected as being satisfied (pars [0005] [0015-0019] teach the authenticating information associated with the first and the second RFID mobile phones using the different interfaces for a financial transaction such as short range radio protocols, e.g., Bluetooth, WiFi, Zigbee, RFID tags, in which reads on using a first air interface and second air interface responsive to the proximity criterion being detected as being satisfied); and

Luo, does not explicitly teach refraining from using the first air interface by the smartphone absent the smartphone receiving the identification that the smartphone recognizes even though the proximity criterion is detected as being satisfied.

However, Santhana, in the same field of endeavor, teaches authenticating the financial transaction between a first mobile device and a second mobile device by exchanging RFID identifiers and digital certificates via radio frequency identification transmission and reception, in which reads on the smartphone receiving the identification that the smartphone recognizes even though the proximity criterion is detected as being satisfied.

Therefore, it would have been obvious to one skilled in the art at the time of the invention, to modify Luo, with Santhana's teaching, in order to use refraining from using the first air interface by the smartphone absent the smartphone receiving the identification that the smartphone recognizes even though the proximity criterion is detected as being satisfied, including means for authenticating the financial transactions between two or more parties over devices in particular relates to peer to peer financial transactions for user's convenience that involve payment for goods or services purchased for the payer and payee as taught by Santhana (pars [0001-0005])

Regarding **claim 2,** Luo and Santhana teach the method according to Claim 1, Luo further teaches wherein the detecting is performed by the smartphone (Figs. 1-3 teach detecting by the smartphone), by a device that is associated with the entity (Fig, 1 shows a device is associated with the RFID tag 107, and/or Merchant Payment Proxy 111, and/or Credit Card System 109 reads on the entity), by a system that is associated with the smartphone (pars [0015-0020] teach a system that is associated with the mobile device), **or** a combination thereof.

Regarding **claim 3,** Luo and Santhana teach the method according to Claim 1, Luo further teaches comprising selecting between the first air interface and the second air interface (par [0017] teaches selecting the multiple interfaces such as Bluetooth, WiFi, Zigbee, RFID tags reads on the first and the second interfaces); wherein the selecting is performed by the smartphone, by a device that is associated with the entity

(Fig, 1 shows a device is associated with the RFID tag 107, and/or Merchant Payment Proxy 111, and/or Credit Card System 109 reads on the entity), by a system that is associated with the smartphone (pars [0015-0020] teach a system that is associated with the mobile device), **or** a combination thereof.

Regarding **claims 4 and 29,** Luo and Santhana teach the method according to Claims 1, 26, Luo further teaches wherein the receiving of the identification that the smartphone recognizes comprises: receiving an identification (pars [0015-0020] teach the identification); and comparing the received identification to a predetermined list of identifications and finding a match therebetween (pars [0015-0020] teach comparing the identification that matched and provide the authorizations).

Regarding **claims 5 and 30,** Luo and Santhana teach the method according to Claims 1, 26, Luo further teaches comprising enabling a mode of a device other than the smartphone responsive to the smartphone receiving the identification (pars [0015-0020] teach comparing the identification and provide the authorizations).

Regarding **claim 6,** Luo and Santhana teach the method according to Claim 1, Luo further teaches wherein detecting comprises: using position information associated with the smartphone (pars [0015-0020]); detecting a signal that is being radiated by the smartphone (pars [0015-0020]); detecting a signal that is being radiated by a device that

is associated with the entity (Figs. 1-3 teach detecting the signals that is associated with the entity); **or** a combination thereof.

Regarding **claims 9 and 35,** Luo and Santhana teach the method according to Claims 1, 26, Luo further teaches comprising; sensing data associated with a living organism (pars [0005] [0020] teach detecting by RFID); enabling a pay function of the smartphone responsive to the sensing (par [0005] teach an authenticated session, the second RFID reader mobile phone can make a financial transaction, such as the purchase of an RFID-tagged item); conducting a financial transaction using the pay function of the smartphone (pars [0005] [0020-0022] teach the financial transaction); and paying for an item responsive to the enabling and conducting (pars [0005] [0020-0022] teach the financial transaction).

Regarding **claims 22 and 49,** Luo and Santhana teach the method according to Claims 9, 35, Luo further teaches wherein the sensing comprises: using a sensor that is connected to the smartphone to perform the sensing; comparing data provided by the sensor with data stored in the smartphone (pars [0015-0020] teach comparing the identification that matched and provide the authorizations); and determining whether a match exists between the data provided by the sensor and the data stored in the smartphone (pars [0020-0022] teach determining if the RFID data matches to perform the authentication between the devices).

Regarding **claim 55,** Luo and Santhana teach the smartphone according to Claim 35, Luo further teaches wherein the sensing operation comprises receiving at the smartphone data from a first unit and transmitting data from the smartphone to a second unit (pars [0020-0022]).

Regarding **claim 56,** Luo and Santhana teach the smartphone according to Claim 35, Luo further teaches wherein the conducting and paying operations comprise: connecting with a bank account associated with a user of the smartphone (pars [0015-0018] teach a merchant bank and a bank account); and deducting from the bank account an amount of money associated with the paying for the item (pars [0020-0022] teach the process of the completed transaction that associated with paid or purchased or withdraw the transaction reads on deducting from the bank account).

Regarding **claim 57,** Luo and Santhana teach the smartphone according to Claim 26, Luo further teaches wherein the preferentially communicating comprises wirelessly communicating using an orthogonal frequency division multiplexing (OFDM) protocol (Fig. 1 shows the wireless mobile phone inherently using an orthogonal frequency division multiplexing, or long range communication), an orthogonal frequency division multiple access (OFDMA) protocol (Fig. 1 shows the wireless mobile phone inherently using an orthogonal frequency division multiplexing, or long range communication, or par [0030] teach a wireless communication systems), **or** a combination thereof.

Regarding **claim 58,** the combination of Luo and Santhana teach the smartphone according to Claim 26, Luo further teaches wherein the preferentially communicating comprises: transmitting and receiving using a time division duplex (TDD) protocol (Fig.1 shows the wireless mobile phone inherently using a time division duplex (TDD) protocol), wherein the transmitting uses a frequency over a first time interval (Fig.1, teach the wireless mobile phone inherently used a frequency over a first time interval), and wherein the receiving uses the frequency over a second time interval (Figs.1-3, and also par [0030] of Santhana teaches the wireless communication systems which inherently includes the TTD protocol and time interval as skilled in the art would understand the wireless network infrastructure).

Regarding **claim 59,** the combination of Luo and Santhana teach the smartphone according to Claim 26, Luo further teaches wherein the preferentially communicating comprises using unlicensed band frequencies (pars [0017-0018] teach Bluetooth, WiFi, Zigbee, RFID which reads on unlicensed band frequencies).

Regarding **claim 60,** the combination of Luo Luo and Santhana teach the smartphone according to Claim 26, Luo further teaches wherein the preferentially communicating comprises using licensed band frequencies (Fig. 1 teach the mobile device inherently using licensed band frequencies, and also par [0030] of Santhana

teaches the GSM, and the wireless communication system which inherently includes on using licensed band frequencies).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael T. Vu whose telephone number is (571)272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles N. Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/MICHAEL T VU/
Primary Examiner, Art Unit 2641

Notice of References Cited	Application/Control No. 12/264,711	Applicant(s)/Patent Under Reexamination KARABINIS ET AL.	
	Examiner MICHAEL T. VU	Art Unit 2641	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-2009/0023474 A1	01-2009	LUO; XUN	G06Q20/32	455/557
*	B	US-2007/0265984 A1	11-2007	Santhana; Prakash	G06Q20/10	705/65
	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	CPC Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

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

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

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	Art Unit
	MICHAEL VU	2641

CPC- SEARCHED		
Symbol	Date	Examiner
H04W 64/00	9/18/2015	MTV

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner
H04W 64/00, H04W 4/02, H04W 48/04	9/18/2015	MTV

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
455	456.1-456.5, 426.1, 705	9/18/2015	MTV
	See Searched History	9/18/2015	MTV

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor Name: Karabinis Peter	9/18/2015	MTV
Assignee: Telcom Ventures, Inc.	9/18/2015	MTV
Double Patent Checked	9/18/2015	MTV
Update EAST Search System	9/18/2015	MTV

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

	/MICHAEL T VU/ Primary Examiner.Art Unit 2641

IPR2025-01239
Apple EX1044 Page 391

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	1	12/264711	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 11:14
S2	1	12/264711 and "16"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 11:30
S3	1	12/264711 and entity	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 11:32
S4	15	financial near transaction same payment near3 toll	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 11:52
S5	8905	455/456.1-456.6.ccls.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:01
S6	2466044	first same second same (mobile pda cell cellular portable phone device)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:02
S8	9883	first same second same (mobile pda cell cellular portable phone device) same entity	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:03
S10	222	S5 and S8	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:04
S12	3555	entity same (detect$3 associat$4) same first same second same (mobile pda cell cellular portable phone device)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:05
S13	88	S5 and S12	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:05

S14	87	entity same (detect$3 associat$4) same first same second same (mobile pda cell cellular portable phone device) and (position location) same velocity same time	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:10
S15	5	S5 and S14	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:10
S16	1	entity same (detect$3 associat$4) same first same second same (mobile pda cell cellular portable phone device) and (position location) same velocity and time-of-day	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:16
S17	286	(detect$3 associat$4) same first same second same (mobile pda cell cellular portable phone device) and (position location) and pay$6 near2 toll	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:18
S18	4	S5 and S17	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:18
S19	275	first near4 (mobile pda cell cellular portable phone device) same second near4 (mobile pda cell cellular portable phone device) and pay$6 near2 toll	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:20
S20	9	S5 and S19	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:20
S21	411	(payment toll) same (master slave) same (phone portable mobile cell cellular pda)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:31
S22	2	S5 and S21	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:31
S24	55	(pay$4 near2 toll) same (first master) same (second slave) same (phone portable mobile cell cellular pda device)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:42
S25	339	karabinis near2 peter.in.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/19 15:59
S26	466	time-of-day and velocity and entity	US-PGPUB; USPAT; USOCR; EPO; JPO;	OR	OFF	2011/09/19 16:00

			DERWENT			
S27	5	S25 and S26	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/19 16:00
S28	1	12/264711 and detector	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2012/02/03 16:07
S29	1	12/264711 and value same satisf$7	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2012/02/03 16:27
S30	6	(mobile cell cellular pda phone) same payroll same (met satisf$7)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2012/02/03 16:31
S31	1	(mobile cell cellular pda phone) same ((pay adj toll) paytoll) same (met satisf$7)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2012/02/03 16:32
S32	145	(mobile cell cellular pda phone) same ((pay adj toll) paytoll)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2012/02/03 16:36
S33	1204055	(time-of-day TOD ToM ToY velocity)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2012/02/03 16:38
S34	14	S32 and S33	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2012/02/03 16:38
S36	28	(mobile cell cellular pda phone) same ((pay adj toll) paytoll purchas$5) same respon$6 near2 value	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2012/02/03 16:52
S38	8	(mobile cell cellular pda phone) same ((pay adj toll) paytoll) same value	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2012/02/03 16:56
S39	4	("20030187571" | "20070176771" | "20090143966" | "6012012").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2012/02/03 17:16
S40	23	("7133659" | "20060145893" | "20070285280" | "7822644" | "7028897" | "RE39736" | "20070167147" | "20080167966" | "20060009234" | "6769607" | "7155199" | "20040030601").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2012/02/03 17:29

IPR2025-01239
Apple EX1044 Page 394

S41	1	12/264711	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/15 16:24
S42	1	12/264711 and second near device	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/15 16:26
S43	1	12/264711 and mode	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/15 16:39
S44	878	(deduct$4 withdrawn$3 charg$4 paid pay$3) same (toll$3) same (master owner)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 21:20
S45	202	(deduct$4 withdrawn$3 charg$4 paid pay$3) same (toll$3) same (master owner slave) same (first second)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 21:22
S47	15	(deduct$4 withdrawn$3 charg$4 paid pay$3) same (toll$3) same (master owner slave) same (first second) same (RFID tag)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 21:22
S48	21	(deduct$4 withdrawn$3 charg$4 paid pay$3) same (toll$3) same (master owner slave) same ((first second) near3 (device user))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 21:27
S49	82	(deduct$4 withdrawn$3 charg$4 paid pay$3) with (master owner) same (toll$3) same (transponder RFID tag$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 21:39
S50	83	(master primary owner) with (deduct$4 withdrawn$3 charg$4 paid pay$3) same (toll$3) same (transponder RFID tag$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 22:13
S51	17	(First primary multiple plurality) near2 (RFID tag$2) same (toll$3) same (bill$3 charg$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 22:25
S52	5	(toll) with non-member	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:35
S53	145	(toll) same (transaction) same member	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:36

S54	99	(toll) with (transaction) same member	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:36
S55	0	((pay adj toll) pay-toll) with (transaction) same member	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:37
S56	2	((pay adj toll) pay-toll) same (transaction) same member	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:37
S57	35	((pay adj toll) pay-toll) same (bill$3 charg$3 authoriz$6 transaction) same (master owner primary)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:55
S58	287974	H04W 64/00.CPC.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:25
S59	287974	H04W 4/02.CPC.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:25
S60	287974	H04W 48/04.CPC.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:25
S62	22	(mobile cell cellular pda phone) same ((pay adj toll) paytoll) same (transponder RFID) same (charg$4 bill$4 transaction)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:26
S63	1	S58 and S62	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:26
S65	117	(mobile cell cellular pda phone) same ((pay adj toll) paytoll toll) same (transponder RFID) same (charg$4 bill$4 transaction)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:27
S66	5	S58 and S65	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:27
S67	7	("20070066226" | "20070247333" | "20080086240" | "20100207754" | "20110039571" | "7139589" | "7539500").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2014/05/20 15:27

IPR2025-01239
Apple EX1044 Page 396

S68	5	S59 and S65	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:28
S69	35	((pay adj toll) pay-toll) same (bill$3 charg$3 authoriz$6 transaction) same (master owner primary)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:28
S70	2	S60 and S69	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:28
S71	17	("20010037174" | "20030115095" | "20030195697" | "20050107951" | "20070142050" | "20080030376" | "4676187" | "5184303" | "5509052" | "5550738" | "5694322" | "5970481" | "5974356" | "6199010" | "6594576" | "6705521" | "6741927").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2014/05/20 15:28
S73	529	(mobile cell cellular pda phone) same ((pay adj toll) paytoll toll) same (charg$4 bill$4 transaction) same (primary owner authoriz$5)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:30
S74	15	S58 and S73	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:30
S75	15	S59 and S73	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:31
S76	15	S60 and S73	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:31
S77	35	((pay adj toll) pay-toll) same (bill$3 charg$3 authoriz$6 transaction) same (master owner primary)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:31
S78	2	S59 and S77	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:31
S79	0	12/264711 and smartphone and building	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2014/09/08 11:22
S80	1	12/264711	US-PGPUB; USPAT;	OR	OFF	2014/09/08 11:22

IPR2025-01239
Apple EX1044 Page 397

			USOCR; EPO; JPO; DERWENT			
S81	5416	(phone mobile cell cellular pda) same (((Orthogonal adj Frequency adj Division adj Multiplexed) (Orthogonal adj Frequency adj Division adj Multiple adj Access)OFDM OFDMA)) same protocol	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 13:50
S82	23	(phone mobile cell cellular pda) same (((Orthogonal adj Frequency adj Division adj Multiplexed) (Orthogonal adj Frequency adj Division adj Multiple adj Access)OFDM OFDMA)) near4 protocol same (identif$6 RFID)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 13:51
S83	13004	(phone mobile cell cellular pda) same associat$6 same (identif$6 RFID) same (entity build$4 shopp$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 13:55
S84	246	(phone mobile cell cellular pda) same associat$6 same (identif$6 RFID) same (entity build$4 shopp$4) same (financial near2 transaction)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 13:57
S85	11	(phone mobile cell cellular pda) same associat$6 same (identif$6 RFID) same (entity build$4 shopp$4) same (financial near2 transaction) same ((short adj range) proximity)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 13:57
S86	17	11/933803	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 14:00
S87	19	(phone mobile cell cellular pda) same (identif$6 RFID) same (entity build$4 shopp$4) same (financial near2 transaction) same ((short adj range) proximity)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 14:07
S88	19	(phone mobile cell cellular pda) same (identif$6 RFID) same (entity build$4 shopp$4) same (financial near2 transaction) same ((short adj range) proximity)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 14:11
S89	19	(phone mobile cell cellular pda) same (identif$6 RFID) same (entity build$4 shopp$4) same (financial near2 transaction) same ((short adj range) proximity wifi wimax)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 14:11
S90	0	(phone mobile cell cellular pda) same (identif$6 RFID) same (entity build$4 shopp$4) same (financial near2 transaction) same ((short adj range) proximity wifi wimax) and (OFDM OFDMA)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 14:11
S91	2	(phone mobile cell cellular pda) same (identif$6 RFID) same (entity	US-PGPUB; USPAT;	OR	ON	2014/09/08 14:12

IPR2025-01239
Apple EX1044 Page 398

		build$4 shopp$4) same (financial near2 transaction) and ((short adj range) proximity wifi wimax) and (OFDM OFDMA)	USOCR; EPO; JPO; DERWENT			
S96	1065	(dual-mode dual adj mode dualmode) with (identif$7)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/09 15:02
S97	46	(dual-mode dual adj mode dualmode) with (identif$7) same (wimax wifi)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/09 15:02
S98	2	(dual-mode dual adj mode dualmode) with (identif$7) same (wimax wifi) same build$3	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/09 15:03
S99	308133	h04w 64/00.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/10 09:54
S100	46	(dual-mode dual adj mode dualmode) with (identif$7) same (wimax wifi)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/10 09:55
S101	27	S99 and S100	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/10 09:55
S102	308133	H04W 4/02.CPC.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/10 09:55
S103	27	S100 and S102	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/10 09:55
S105	1	12/264711	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 10:37
S108	46	(mobile cellular cell pda phone) same switch$4 same ((short adj range) RFID) same inside	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 10:52
S109	1	12/264711 and detector	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 10:56
S111	0	detect$3 same enable with ((plurality	US-PGPUB;	OR	ON	2015/01/21

		two) adj2 mode) same (short-range (short adj range))	USPAT; USOCR; EPO; JPO; DERWENT			10:59
S112	101	detect$3 same ((plurality two) adj2 mode) same (short-range (short adj range))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 10:59
S113	38085416	@ad<"20081104" @rlad<"20081104"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 11:00
S114	90	S112 and S113	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 11:00
S115	120	automat$8 same switch$4 same (RFID short-range (short adj range)) same (inside building)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 11:10
S116	77	S113 and S115	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 11:10
S118	225	(mobile cell cellular pda phone) same ((enab$6 switch$3) near3 mode) same detect$4 same (short-range wifi wi-fi (short adj range))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 11:19
S119	50	S113 and S118	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 11:20
S120	1	12/264711 and sens$3	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/01 19:42
S121	200	(phone pda cell cellular portable pda) same (toll adj2 collect$3) same (account$3 charg$3 pay$3 paid)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/04 13:47
S122	60	(phone pda cell cellular portable pda) same (toll adj2 collect$3) same (identif$5) same (account$3 charg$3 pay$3 paid)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/04 13:48
S124	1	(slave master) same (phone pda cell cellular portable pda) same (toll adj2 collect$3) same (identif$5) same (account$3 charg$3 pay$3 paid)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/06 10:59
S125	1	(slave master) same (phone pda cell	US-PGPUB;	OR	ON	2015/04/06

IPR2025-01239
Apple EX1044 Page 400

		cellular portable pda) same (toll adj2 collect$3) same (identif$5)	USPAT; USOCR; EPO; JPO; DERWENT			11:00
S127	0	(recogniz$3 with (phone pda cell cellular portable pda)) same (toll adj2 collect$3) same (identif$5) same (account$3 charg$3 pay$3 paid)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/06 11:02
S128	0	((multiple group) near5 (phone pda cell cellular portable pda)) same (toll adj2 collect$3) same (identif$5) same (account$3 charg$3 pay$3 paid)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/06 11:03
S129	1	(phone pda cell cellular portable pda) same (toll adj2 collect$3) same (identif$5) same (account$3 charg$3 pay$3 paid) near8 (primary)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/06 11:03
S131	395	(deduct$3 charg$3 withdraw$3) near7 (owner primary) same toll$3	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/07 11:15
S132	34	(deduct$3 charg$3 withdraw$3) near7 (owner primary) same toll$3 near2 collect$3	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/07 12:26
S133	4	(deduct$3 charg$3 withdraw$3) near7 (owner primary) with toll$3 near2 account$3	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/07 12:34
S134	1	(deduct$3 charg$3 withdraw$3) same (multiple group) same (owner primary) with toll$3 near2 account$3	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/07 12:40
S135	0	12/264711 and absent	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/07 13:35
S137	150	switch$3 same first near2 mode same second near2 mode same (RFID wifi wi-fi)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/07 14:13
S138	2	switch$3 same first near2 mode same second near2 mode same (RFID wifi wi-fi) same (emergency priorit$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/07 14:13
S139	70	switch$3 same first near2 mode same second near2 mode same (RFID wifi wi-fi) and (emergency priorit$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/07 14:14
S140	65	switch$3 same first near2 mode	US-PGPUB;	OR	ON	2015/04/07

		same second near2 mode same (wifi wi-fi)	USPAT; USOCR; EPO; JPO; DERWENT			14:30
S141	205	(dual-mode dual adj mode dualmode) with (convert$4 switch$4) same (wimax wifi wi-fi)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/07 14:39
S142	1	"08532069"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/09 10:30
S143	1	12/264711 and financial near transaction	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2015/04/09 11:20
S144	1	12/264711	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2015/09/17 16:50
S145	345	(phone pda cell cellular portable pda) with between with financial near2 transaction	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/09/17 20:45
S146	13	(phone pda cell cellular portable pda) with between with financial near2 transaction same ((short adj range) RFID)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/09/17 20:47
S147	1	12/002903	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/09/18 13:43
S148	2	"20090023474"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/09/18 13:53
S152	73	(mobile phone pda cell cellular) same (financial near transaction) same (match$4 near6 (ID identif$5))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/09/18 14:16
S153	451	(financial near transaction) near6 between near8 (mobile phone pda cell cellular)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/09/18 14:22
S154	92	(financial near transaction) near6 between near8 (mobile phone pda cell cellular) same ((short adj range) (RFID))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/09/18 14:22

IPR2025-01239
Apple EX1044 Page 402

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IPR2025-01239
Apple EX1044 Page 403

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	Art Unit
	MICHAEL VU	2641

✓	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	09/18/2015								
	1	✓								
	2	✓								
	3	✓								
	4	✓								
	5	✓								
	6	✓								
	7	-								
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	9	✓								
	10	-								
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	21	-								
	22	✓								
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	25	-								
	26	✓								
	27	-								
	28	-								
	29	✓								
	30	✓								
	31	-								
	32	-								
	33	-								
	34	-								
	35	✓								
	36	-								

IPR2025-01239
Apple EX1044 Page 404

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	Art Unit
	MICHAEL VU	2641

✓	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	09/18/2015								
	37	-								
	38	-								
	39	-								
	40	-								
	41	-								
	42	-								
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	46	-								
	47	-								
	48	-								
	49	✓								
	50	-								
	51	-								
	52	-								
	53	-								
	54	-								
	55	✓								
	56	✓								
	57	✓								
	58	✓								
	59	✓								
	60	✓								

Attorney Docket No. 9466-24 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Peter D. Karabinis et al. Confirmation No.: 1684
Application No.: 12/264,711 Examiner: Michael T. Vu
Filed: November 4, 2008 Group Art Unit: 2641
For: MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION

October 9, 2015

Mail Stop Amendment
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND INTERVIEW SUMMARY UNDER MPEP §713.04

Sir:

The present Amendment is being filed to address the issues raised in the Official Action mailed September 23, 2015.

If any extension of time for the accompanying response or submission is required, please consider this a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

Amendments to the claims begin on Page 2 of this paper.

Remarks begin on Page 5 of this paper.

In the Claims:

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

1. (Currently Amended) A method comprising:

detecting that a proximity criterion is satisfied between a smartphone and an entity;

sensing by the smartphone physiological data associated with a living organism;

~~preferentially~~ selectively communicating by the smartphone using a first air interface ~~while refraining from communicating by the smartphone using a second air interface~~ of a plurality of air interfaces with which the smartphone is capable of communicating, responsive to the proximity criterion [[being]] having been detected as being satisfied and ~~the smartphone receiving an identification that the smartphone recognizes~~ responsive to a value of the physiological data associated with a living organism that was sensed by the smartphone; and

refraining from [[using]]communicating by the smartphone using the first air interface ~~by the smartphone absent the smartphone receiving the identification that the smartphone recognizes~~ absent said value of the physiological data associated with a living organism that was sensed by the smartphone satisfying a criterion, even though the proximity criterion is detected as being satisfied.

2. (Currently Amended) The method according to Claim 1, wherein said detecting that a proximity criterion is satisfied between a smartphone and an entity comprises:

detecting that a proximity criterion of less than 10 meters in distance is satisfied between the smartphone and the entity;

wherein the detecting is performed by the smartphone, by a device that is associated with the entity, by a system that is associated with the smartphone, or a combination thereof.

3. (Currently Amended) The method according to Claim 1, further comprising: ~~selecting between the first air interface and the second air interface; wherein the selecting is performed by the smartphone, by a device that is associated with the entity, by a system that is associated with the smartphone, or a combination thereof~~

selectively sending information by the smartphone to one or more other devices and receiving information by the smartphone from the one or more other devices responsive to said value of the physiological data associated with a living organism that was sensed by the smartphone satisfying the criterion; and

communicating by the smartphone using a second air interface of the plurality of air interfaces with which the smartphone is capable of communicating that differs from the first air interface.

4 – 25. (Canceled)

26. (Currently Amended) A smartphone comprising:

a processor that is configured ~~to detect that a proximity criterion is satisfied between the smartphone and an entity and configured~~ to control the smartphone to perform operations comprising:

detecting that a proximity criterion is satisfied between the smartphone and an entity;

sensing physiological data associated with a living organism;

~~preferentially~~ selectively communicating using a first air interface ~~while refraining from communicating using a second air interface~~ of a plurality of air interfaces with which the smartphone is capable of communicating, responsive to ~~the processor detecting that~~ the proximity criterion [[is]] having been detected as being satisfied and ~~the smartphone receiving an identification that the smartphone recognizes~~ responsive to a value of the physiological data associated with a living organism that was sensed by the smartphone; and

refraining from [[using]]communicating using the first air interface absent ~~receiving by the smartphone the identification that the smartphone recognizes~~ said value of the physiological data associated with a living organism that was sensed by the smartphone satisfying a criterion, even though the ~~processor detects that the~~ proximity criterion is detected as being satisfied.

27. - 28. (Canceled)

29. (Currently Amended) The smartphone according to Claim 26, wherein ~~the smartphone recognizes the identification by~~ said detecting that a proximity criterion is satisfied between the smartphone and an entity comprises:

~~receiving an identity; and~~

~~comparing the received identity to a predetermined list of identities and finding a match therebetween~~

detecting that a proximity criterion of less than 10 meters in distance is satisfied between the smartphone and the entity.

30. (Currently Amended) The smartphone according to Claim 26, wherein the processor is further ~~comprising a device other than the smartphone configured to have a mode of operation enabled responsive to the smartphone receiving the identification that is recognized~~ configured to control the smartphone to perform further operations comprising:

selectively sending information to one or more other devices and receiving information from the one or more other devices responsive to said value of the physiological data associated with a living organism that was sensed by the smartphone satisfying the criterion; and

communicating using a second air interface of the plurality of air interfaces with which the smartphone is capable of communicating that differs from the first air interface.

31-60. (Canceled)

REMARKS

Applicants appreciate the continued thorough examination of the present application by the Examiner in the non-final Official Action of September 23, 2015. In response to the new Official Action, and the discussion with the Examiner during the telephone interview on October 1, 2015, most of the pending claims have been canceled and the remaining claims have been amended extensively to clarify their patentable distinction over the newly cited references. Accordingly, Applicants respectfully request allowance of the present application for the reasons that will now be described.

Interview Summary Pursuant to MPEP §713.04

The undersigned contacted Examiner Vu on October 1, 2015, to determine the status of the application. Specifically, the undersigned filed a Request for Continued Examination (RCE) and Remarks Accompanying the RCE on August 5, 2015. The RCE requested a three-month suspension of action, to allow the undersigned to become familiar with the application and prior prosecution, confer with the inventors and formulate a strategy for future prosecution. Nonetheless, the present Official Action was issued on September 23, 2015.

During the telephone interview, the Examiner explained that, in response to the RCE, he performed a new search and has cited two new references. The Examiner instructed that our future response should relate to the present Official Action of September 23, 2015 rather than to the earlier final Official Action of April 17, 2015. The Examiner also indicated that our response should make it clear where support for any claim amendments are found, and how these claim amendments distinguish over the cited art, as the claims are broad. The undersigned indicated that the claims are broad, but that their filing date of November 4, 2008 is quite early relative to the claimed invention. The undersigned indicated he would comply with the Examiner's requests.

Applicants appreciate the courtesies that were extended to the undersigned during the telephone interview, and the explanations that were given. The above constitutes a complete summary of the telephone interview with the Examiner on October 1, 2015.

Independent Claims 1 and 26 Are Patentable

As noted above, the undersigned and the inventors took a fresh look at the present application in view of the newly cited art. In response, Claim 1 has been amended extensively, to clarify the patentability thereof over newly cited U.S. Patent Application Publication 2009/0023474 to Luo et al. in view of U.S. Patent Application Publication 2007/0265984 to Santhana. Accordingly, independent Claim 1 now recites:

> 1. A method comprising:
> detecting that a proximity criterion is satisfied between a smartphone and an entity;
> sensing by the smartphone physiological data associated with a living organism;
> selectively communicating by the smartphone using a first air interface of a plurality of air interfaces with which the smartphone is capable of communicating, responsive to the proximity criterion having been detected as being satisfied and responsive to a value of the physiological data associated with a living organism that was sensed by the smartphone; and
> refraining from communicating by the smartphone using the first air interface absent said value of the physiological data associated with a living organism that was sensed by the smartphone satisfying a criterion, even though the proximity criterion is detected as being satisfied. (Emphasis added.)

Remaining independent Claim 26 has been amended similarly, and will not be analyzed separately in the interest of brevity.

Support for the above underlined amendments and for all of Claim 1 may be found, for example, in "**Example/Application No. 2**" at Paragraphs [0025]-[0031] of the application as filed. Note specifically that the physiological data associated with a living organism is described in Paragraph [0025].

Claims 1 and 26 stand rejected under 35 USC §103(a) over Luo et al. in view of Santhana. Applicants do not concede that Luo et al. or Santhana describe or suggest "detecting that a proximity criterion is satisfied between a smartphone and an entity", "selectively communicating by the smartphone using a first air interface", or "refraining from communicating by the smartphone using the first air interface", as recited in Claim 1. Moreover, Applicants respectfully submit that neither Luo et al. nor Santhana describes or suggests any of the above underlined recitations of Claim 1 regarding sensing physiological data or using the physiological

data for selective communicating or refraining from communicating by the smartphone. Claims 1 and 26 are patentable for at least these reasons.

For the convenience of the Examiner, Applicants also wish to note that canceled Claim 9 included the recitations of "sensing data associated with a living organism" and the Official Action rejected Claim 9 at Page 6 of the Detailed Action, citing Paragraphs [0005] and [0020] of Luo et al. as teaching detecting by RFID. These paragraphs state:

> **[0005]** In some embodiments of the present invention, the information associated with the first RFID reader mobile phone includes an RFID tag identifier associated with the first RFID reader mobile phone. The token enables the second RFID reader mobile phone to locate the RFID tag identified by the identifier. In other embodiments of the present invention, the information associated with the first RFID reader mobile phone includes authenticating information. The token enables the second RFID reader mobile phone to establish an authenticated session with party such as a financial institution on behalf of the first RFID reader mobile phone. During such an authenticated session, the second RFID reader mobile phone can make a financial transaction, such as the purchase of an RFID-tagged item, for the first RFID reader mobile phone.
>
> **[0020]** FIG. 6 is an information flow diagram of a transaction of FIG. 1. Agent RFID reader mobile phone 103 scans RFID tag 107, as indicated at 601. RFID tag 107 sends RFID data 603 back to agent RFID reader mobile phone 103. Then, agent RFID reader mobile phone 103 sends RFID data 605 to principal RFID reader mobile phone 105. Principal RFID reader mobile phone 105 creates a token of the type illustrated in FIG. 4 and sends the token 607 back to agent RFID reader mobile phone 103. For example, a user in a voice call can send the token through a single click to the person they are on a voice call with or text messaging. A user can attribute authentication and token capability in his or her contacts list or phone book to specific people and, upon selecting a phone book entry, the authentication/security can be generated and the appropriate data added to the token. Agent RFID reader mobile phone 103 may send an acknowledgment 609 back to principal RFID reader mobile phone 105. Agent REID reader mobile phone 103 then establishes a secure session with credit card system 109. RFID reader mobile phone 103 sends its ISMI 611 to credit card system 109. Credit card system 109 searches a database for the incoming ISMI 611 and its associated authentication key. Credit card system 109 then generates a random number and signs it by computing another number using the authentication key. The number computed by the credit card company is known as a signed response (SRES_1) 613. RFID mobile phone 103 signs SRES_1 613 with its authentication key and sends its signed response (SRES_2) 615 back to credit card system 109. Credit card system 109 then compares SRES_1 and

> SRES_2. If they match, the session is authenticated and credit card system 109 sends an OK message back to agent RFID reader mobile phone 103. Then, agent RFID reader mobile phone 103 sends RFID data 619, including the product identifier and the selling price, including any sales tax, to credit card system 109. Credit card system 109 determines whether or not to complete the transaction. If credit card system 109 completes the transaction, it sends and authorization 621 to merchant proxy 111 and authorization 623 to agent RFID reader mobile phone 103. Then, agent RFID reader mobile phone 103 provides authorization 625 to merchant payment proxy 111. If authorizations 621 and 625 match each other, the transaction is completed. (Emphasis added

Although these paragraphs describe the use of an RFID tag identifier and authenticating information to create a token that is used to provide a secure session with a credit card system, there is no description or suggestion of any aspect of "sensing by the smartphone physiological data associated with a living organism" or the use of a value of the physiological data to determine selective communication or refraining from communication, as recited in Claim 1. Accordingly, Claim 1 is patentable over Luo et al. and Santhana.

The Dependent Claims Are Patentable

The dependent claims are patentable at least per the patentability of the independent claims from which they depend. Moreover, many of the dependent claims are separately patentable. However, as each of these claims depends from a base claim that is believed to be in condition for allowance, Applicants do not believe that it is necessary to argue the allowability of each dependent claim individually. Applicants do not necessarily concur with the Examiner's interpretation of these claims, nor with the bases for rejection set forth in the Official Action. Applicants therefore reserve the right to address the patentability of these claims individually as necessary in the future.

Conclusion

Applicants again appreciate the continued thorough examination, the new search and the guidance provided by the Examiner during the telephone interview. Many of the claims have been canceled to expedite allowance. Moreover, the remaining claims have been amended extensively to clarify their patentable distinction over the newly cited references. In view of the

above amendments and remarks, all of the claims are now in condition for allowance, which is respectfully requested. If, in the opinion of the Examiner, another telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,

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Attorney for Applicants

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919-854-1400
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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with 37 CFR § 1.6(a)(4) to the U.S. Patent and Trademark Office on October 9, 2015.

Susan E. Freedman

Electronic Acknowledgement Receipt

EFS ID:	23747441
Application Number:	12264711
International Application Number:	
Confirmation Number:	1684
Title of Invention:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION
First Named Inventor/Applicant Name:	PETER D. KARABINIS
Customer Number:	20792
Filer:	Mitchell S. Bigel/Susan E. Freedman
Filer Authorized By:	Mitchell S. Bigel
Attorney Docket Number:	9466-24
Receipt Date:	09-OCT-2015
Filing Date:	04-NOV-2008
Time Stamp:	18:13:29
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		9466-24_2015-10-09_Amendment_Interview_Summary.pdf	899541 a6ced02a5e16da4e002a48af2708122d8826823a	yes	9

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	4
	Applicant Arguments/Remarks Made in an Amendment	5	9
Warnings:			
Information:			
	Total Files Size (in bytes):	899541	

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

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

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

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

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 12/264,711	Filing Date 11/04/2008	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT **10/09/2015**

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 6	Minus	** 54	= 0	X $40 =	0
Independent (37 CFR 1.16(h))	* 2	Minus	***4	= 0	X $210 =	0
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0

AMENDMENT

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

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

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

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

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

LIE
/TAMMY ACREE/

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.
12/264,711	11/04/2008	PETER D. KARABINIS	9466-24	1684

20792 7590 10/26/2015
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

EXAMINER
VU, MICHAEL T

ART UNIT	PAPER NUMBER
2641	

MAIL DATE	DELIVERY MODE
10/26/2015	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. 12/264,711	Applicant(s) KARABINIS ET AL.	
	Examiner MICHAEL T. VU	Art Unit 2641	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 *10/09/2015*.

☐ 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) *1-3,26,29 and 30* 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) *1-3,26,29 and 30* is/are rejected.

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

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

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

Application Papers

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

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

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

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

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

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

4) ☐ Other: _____.

IPR2025-01239
Apple EX1044 Page 419

DETAILED ACTION

1. The present application is being examined under the pre-AIA first to invent provisions.

Response to Amendment

2. Applicant amended claims 1-3, 26, and 29-30.

3. Applicant canceled claims 4-25, 27-28, and 31-60.

Claim Rejections - 35 USC § 103

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

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

5. Claims 1-3, 26, 29-30 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Rogers el al (US 6,957,107), hereinafter “Rogers“, in view of Stivoric et al (US 6,595,929), hereinafter “Stivoric“.

Regarding **claims 1, and 26,** Rogers teaches a method comprising:

detecting that a proximity criterion is satisfied between a smartphone and an entity (Figure 1 teaches detecting a proximity satisfied between a mobile device/PDA and an entity, col. 3, line 1 to col. 5, line 66);

sensing by the smartphone physiological data associated with a living organism (col. 3, line 1 to col. 4, line 61 teach sensing by the mobile device physiological data associated with a living being);

selectively communicating by the smartphone using a first air interface of a plurality of air interfaces with which the smartphone is capable of communicating, responsive to the proximity criterion having been detected as being satisfied and responsive to a value of the physiological data associated with a living organism that was sensed by the smartphone (col. 3, line 1 to col. 5, line 66, and col. 8, lines 10-50 teach using a plurality of air interfaces that communicate/responsive to the parameters and monitoring thresholds which reads on a value of data); and

refraining from communicating by the smartphone using the first air interface absent said value of the physiological data associated with a living organism that was sensed by the smartphone satisfying a criterion (col. 3, line 1 to col. 5, line 66, and col. 8, lines 10-50), even though the proximity criterion is detected as being satisfied (col. 3, line 1 to col. 5, line 66, and col. 8, lines 10-50).

Rogers does not explicitly teach a sensing device that associated with a living organism.

Stivoric, in the same field of endeavor, teaches a sensing device that associated with a living organism (col. 1, lines 9-20, and col. 9, line 1-67 teach a sensor device that associated with a living body reads on a living organism).

Therefore, it would have been obvious to one skilled in the art at the time of the invention, to modify Rogers, with Stivoric's teaching, in order to use a sensing device

that associated with a living organism, including means for detecting, monitoring, and reporting human physiological information which motivating, improving, achieving, and increasing in establishing a healthier lifestyle as taught by Stivoric (col. 1, lines 9-55).

Regarding **claims 2, 29,** the combination of Rogers and Stivoric teach the method according to Claims 1, 26, Rogers further teaches wherein said detecting that a proximity criterion is satisfied between a smartphone and an entity comprises: detecting that a proximity criterion of less than 10 meters in distance is satisfied between the smartphone and the entity (col. 8, lines 10-50 teach the wireless communication techniques includes Bluetooth technology and technology based on an IEEE 802.11b and/or the short range communication reads on a proximity criterion of less than 10 meters in distance); wherein the detecting is performed by the smartphone (col. 5, lines 36-65 teach the mobile device or PDA reads on the smartphone), by a device that is associated with the entity, by a system that is associated with the smartphone (col. 3, line 1 to col. 4, line 50 teach by the mobile device that associated with the entity), **or** a combination thereof.

Regarding **claims 3, 30,** the combination of Rogers and Stivoric teach the method according to Claims 1, 26, Rogers further teaches comprising; selectively sending information by the smartphone to **one or more** other devices and receiving information by the smartphone from the **one or more** other devices responsive to said value of the physiological data associated with a living organism that was sensed by the

smartphone satisfying the criterion (col. 3, line 1 to col. 5, line 66, and col. 8, lines 10-50 teach using a plurality of air interfaces that communicate/responsive to the parameters and monitoring thresholds which reads on a value); and communicating by the smartphone using a second air interface of the plurality of air interfaces with which the smartphone is capable of communicating that differs from the first air interface (col. 3, line 1 to col. 5, line 66, and col. 8, lines 10-50 teach the used of different communication technologies, e.g., the short range and long range communication technologies that reads on the first and the second air interfaces).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL T. VU whose telephone number is (571)272-8131. The examiner can normally be reached on 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles N. Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MICHAEL T VU/
Primary Examiner, Art Unit 2641

Notice of References Cited	Application/Control No. 12/264,711	Applicant(s)/Patent Under Reexamination KARABINIS ET AL.	
	Examiner MICHAEL T. VU	Art Unit 2641	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-6,957,107 B2	10-2005	Rogers; Bobby E.	A61B5/0031	128/904
*	B	US-6,595,929 B2	07-2003	Stivoric; John M.	A61B5/0008	600/549
	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	CPC Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

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

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

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	Art Unit
	MICHAEL VU	2641

CPC- SEARCHED		
Symbol	Date	Examiner
H04W 64/00	10/19/2015	MTV

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner
H04W 64/00, H04W 4/02, H04W 48/04	10/19/2015	MTV

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
455	456.1-456.5, 426.1, 705	10/19/2015	MTV
	See Searched History	10/19/2015	MTV

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor Name: Karabinis Peter	10/19/2015	MTV
Assignee: Telcom Ventures, Inc.	10/19/2015	MTV
Double Patent Checked	10/19/2015	MTV
Update EAST Search System	10/19/2015	MTV

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

	/MICHAEL T VU/ Primary Examiner.Art Unit 2641

IPR2025-01239
Apple EX1044 Page 426

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	Art Unit
	MICHAEL VU	2641

✓	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	09/18/2015	10/19/2015							
	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	-								
	26	✓	✓							
	27	-								
	28	-								
	29	✓	✓							
	30	✓	✓							
	31	-								
	32	-								
	33	-								
	34	-								
	35	✓								
	36	-								

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	Art Unit
	MICHAEL VU	2641

✓	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	09/18/2015	10/19/2015							
	37	-								
	38	-								
	39	-								
	40	-								
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	57	✓								
	58	✓								
	59	✓								
	60	✓								

IPR2025-01239
Apple EX1044 Page 428

Doc Code: A.NE.AFCP
Document Description: After Final Consideration Pilot Program Request

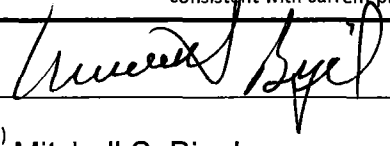
PTO/SB/434 (05-13)

CERTIFICATION AND REQUEST FOR CONSIDERATION UNDER THE AFTER FINAL CONSIDERATION PILOT PROGRAM 2.0

Practitioner Docket No.:	Application No.:	Filing Date:
9466-24	12/264,711	11-04-2008
First Named Inventor:	**Title:**	
Peter D. Karabinis	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION	

APPLICANT HEREBY CERTIFIES THE FOLLOWING AND REQUESTS CONSIDERATION UNDER THE AFTER FINAL CONSIDERATION PILOT PROGRAM 2.0 (AFCP 2.0) OF THE ACCOMPANYING RESPONSE UNDER 37 CFR 1.116.

1. The above-identified application is (i) an original utility, plant, or design nonprovisional application filed under 35 U.S.C. 111(a) [a continuing application (*e.g.*, a continuation or divisional application) is filed under 35 U.S.C. 111(a) and is eligible under (i)], or (ii) an international application that has entered the national stage in compliance with 35 U.S.C. 371(c).
2. The above-identified application contains an outstanding final rejection.
3. Submitted herewith is a response under 37 CFR 1.116 to the outstanding final rejection. The response includes an amendment to at least one independent claim, and the amendment does not broaden the scope of the independent claim in any aspect.
4. This certification and request for consideration under AFCP 2.0 is the only AFCP 2.0 certification and request filed in response to the outstanding final rejection.
5. Applicant is willing and available to participate in any interview requested by the examiner concerning the present response.
6. This certification and request is being filed electronically using the Office's electronic filing system (EFS-Web).
7. Any fees that would be necessary consistent with current practice concerning responses after final rejection under 37 CFR 1.116, *e.g.*, extension of time fees, are being concurrently filed herewith. [There is no additional fee required to request consideration under AFCP 2.0.]
8. By filing this certification and request, applicant acknowledges the following:
   - Reissue applications and reexamination proceedings are not eligible to participate in AFCP 2.0.
   - The examiner will verify that the AFCP 2.0 submission is compliant, *i.e.*, that the requirements of the program have been met (see items 1 to 7 above). For compliant submissions:
     - The examiner will review the response under 37 CFR 1.116 to determine if additional search and/or consideration (i) is necessitated by the amendment and (ii) could be completed within the time allotted under AFCP 2.0. If additional search and/or consideration is required but cannot be completed within the allotted time, the examiner will process the submission consistent with current practice concerning responses after final rejection under 37 CFR 1.116, *e.g.*, by mailing an advisory action.
     - If the examiner determines that the amendment does not necessitate additional search and/or consideration, or if the examiner determines that additional search and/or consideration is required and could be completed within the allotted time, then the examiner will consider whether the amendment places the application in condition for allowance (after completing the additional search and/or consideration, if required). If the examiner determines that the amendment does not place the application in condition for allowance, then the examiner will contact the applicant and request an interview.
       - The interview will be conducted by the examiner, and if the examiner does not have negotiation authority, a primary examiner and/or supervisory patent examiner will also participate.
       - If the applicant declines the interview, or if the interview cannot be scheduled within ten (10) calendar days from the date that the examiner first contacts the applicant, then the examiner will proceed consistent with current practice concerning responses after final rejection under 37 CFR 1.116.

Signature	Date
	11-24-2015
Name (Print/Typed) Mitchell S. Bigel	**Practitioner Registration No.** 29,614

Note: *This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.*

☑ * Total of 1 forms are submitted.

Attorney Docket No. 9466-24 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Peter D. Karabinis et al
Application No.: 12/264,711
Filed: November 4, 2008
For: MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION

Confirmation No.: 1684
Examiner: Michael T. Vu
Group Art Unit: 2641

November 24, 2015

Mail Stop AF
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

AMENDMENT UNDER AFCP 2.0

Sir:

The present Amendment is being filed to address the issues raised in the final Official Action mailed October 26, 2015. Applicants are submitting the present Amendment concurrently with a Certification And Request For Consideration Under The After Final Consideration Pilot Program 2.0 (AFCP 2.0). Accordingly, Applicants respectfully request consideration of the present Amendment under the After Final Consideration Pilot Program 2.0.

If any extension of time for the accompanying response or submission is required, please consider this a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

Amendments to the claims begin on Page 2 of this paper.

Remarks begin on Page 5 of this paper.

In the Claims:

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

1. (Currently Amended) A method comprising:

~~detecting that a proximity criterion is satisfied between a smartphone and an entity;~~

sensing by **[[the]]** a smartphone, using a smartphone-based sensor, physiological data associated with a living organism;

detecting that a proximity criterion is satisfied between the smartphone and an entity, wherein the entity is not the living organism;

selectively communicating by the smartphone using a first air interface of a plurality of air interfaces with which the smartphone is capable of communicating, responsive to the proximity criterion having been detected as being satisfied and responsive to a value of the physiological data associated with a living organism that was sensed by the smartphone using the smartphone-based sensor; and

refraining from communicating by the smartphone using the first air interface absent said value of the physiological data associated with a living organism that was sensed by the smartphone using the smartphone-based sensor satisfying a criterion, even though the proximity criterion is detected as being satisfied.

2. (Currently Amended) The method according to Claim 1, wherein said detecting that a proximity criterion is satisfied between **[[a]]** the smartphone and an entity comprises:

detecting that a proximity criterion of less than 10 meters in distance is satisfied between the smartphone and the entity;

wherein the detecting is performed by the smartphone, by a device that is associated with the entity, by a system that is associated with the smartphone, or a combination thereof.

3. (Currently Amended) The method according to Claim 1, further comprising:

selectively sending information by the smartphone to one or more other devices and receiving information by the smartphone from the one or more other devices responsive to said

value of the physiological data associated with a living organism that was sensed by the smartphone using the smartphone-based sensor satisfying the criterion; and

communicating by the smartphone using a second air interface of the plurality of air interfaces with which the smartphone is capable of communicating that differs from the first air interface.

4 – 25. (Canceled)

26. (Currently Amended) A smartphone comprising:

a processor that is configured to control the smartphone to perform operations comprising:

~~detecting that a proximity criterion is satisfied between the smartphone and an entity;~~

sensing, using a smartphone-based sensor, physiological data associated with a living organism;

detecting that a proximity criterion is satisfied between the smartphone and an entity, wherein the entity is not the living organism;

selectively communicating using a first air interface of a plurality of air interfaces with which the smartphone is capable of communicating, responsive to the proximity criterion having been detected as being satisfied and responsive to a value of the physiological data associated with a living organism that was sensed by the smartphone using the smartphone-based sensor; and

refraining from communicating using the first air interface absent said value of the physiological data associated with a living organism that was sensed by the smartphone using the smartphone-based sensor satisfying a criterion, even though the proximity criterion is detected as being satisfied.

27. - 28. (Canceled)

29. (Previously Presented) The smartphone according to Claim 26, wherein said detecting that a proximity criterion is satisfied between the smartphone and an entity comprises:

detecting that a proximity criterion of less than 10 meters in distance is satisfied between the smartphone and the entity.

30. (Currently Amended) The smartphone according to Claim 26, wherein the processor is further configured to control the smartphone to perform further operations comprising:

selectively sending information to one or more other devices and receiving information from the one or more other devices responsive to said value of the physiological data associated with a living organism that was sensed by the smartphone using the smartphone-based sensor satisfying the criterion; and

communicating using a second air interface of the plurality of air interfaces with which the smartphone is capable of communicating that differs from the first air interface.

31-60. (Canceled)

REMARKS

Applicants appreciate the continued thorough examination of the present application by the Examiner in the Final Official Action of October 26, 2015. Applicants also appreciate the withdrawal of all previous rejections.

The independent claims have now been amended herein to explicitly recite "sensing by the smartphone using a smartphone-based sensor, physiological data associated with a living organism" and to further recite "detecting that a proximity criterion is satisfied between the smartphone and an entity, wherein the entity is not the living organism", to further clarify the patentable distinctions over newly cited U.S. Patent No. 6,957,107 to Rogers et al. in view of U.S. Patent No. 6,595,929 to Stivoric et al. Support for these amendments may be found, for example, in paragraph [0025] and FIG. 1 of the present application. Applicants will show below the many reasons why the claims are patentable over Rogers et al. in view of Stivoric et al. Accordingly, Applicants respectfully request withdrawal of the final rejection and the allowance of the present application for the reasons that will be described below.

Applicants are submitting the present Amendment concurrently with a Certification And Request For Consideration Under The After Final Consideration Pilot Program (AFCP) 2.0. Accordingly, Applicants respectfully request consideration of the present Amendment under the AFCP 2.0. Moreover, Applicants respectfully request a telephone interview with the Examiner under the AFCP 2.0 if the present Amendment is not deemed to place the application in condition for allowance.

Independent Claims 1 and 26 are Patentable

Independent Claims 1 and 26 are method and device analogs, have been amended similarly and are patentable for at least the same reasons. Accordingly, only Claim 1 will be analyzed in the interest of brevity.

Independent Claim 1 recites:

> 1. A method comprising:
> sensing by a smartphone, using a smartphone-based sensor, physiological data associated with a living organism;
> detecting that a proximity criterion is satisfied between the smartphone and an entity, wherein the entity is not the living organism;

selectively communicating by the smartphone using a first air interface of a plurality of air interfaces with which the smartphone is capable of communicating, responsive to the proximity criterion having been detected as being satisfied and responsive to a value of the physiological data associated with a living organism that was sensed by the smartphone using the smartphone-based sensor; and

refraining from communicating by the smartphone using the first air interface absent said value of the physiological data associated with a living organism that was sensed by the smartphone using the smartphone-based sensor satisfying a criterion, even though the proximity criterion is detected as being satisfied.

Applicants wish to note that in amending Claim 1, the "detecting" has been moved after the "sensing" in the claim in order to provide proper antecedent basis for the "living organism", and to also indicate that the "detecting" and the "sensing" can occur in either order and/or simultaneously.

Claim 1 stands rejected under 35 U.S.C. §103(a) over Rogers et al. in view of Stivoric et al. FIG. 1 of Rogers at al. is reproduced below for convenience.

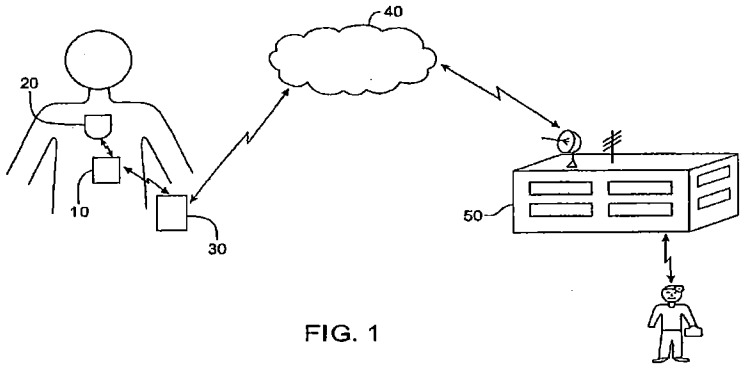


FIG. 1

At pages 2-3 the Detailed Action makes it clear that the external monitor 30 is being read on the claimed "smartphone" and that the implantable medical devices 20 and/or the implantable transceiver 10 are being read on the claimed "entity". Assume, only for the sake of the present argument, that this is the case. Even so, many of the recitations of Claim 1 would not be met by the "smartphone" 30 and the "entity" 10/20 of Rogers et al.

For example, there is no detection of a proximity criterion between the smartphone 30 and the entity 10/20 of Rogers et al. because the implantable transceiver 10 is always assumed to be in close proximity to the implantable medical devices 20 and the external monitor 30. Stated

differently, nowhere in Rogers et al.'s five (5) flowcharts and nowhere in Rogers et al.'s specification, is there any description or suggestion of any test as to whether the "smartphone" 30 is in close proximity to the implantable transceiver 10. Accordingly, there is no description or suggestion in Rogers et al. of "detecting that a proximity criterion is satisfied between a smartphone and an entity" as recited in Claim 1.

Claim 1 also recites "sensing by a smartphone ... physiological data associated with a living organism." In no circumstances is any sensing of physical data done by the external monitor 30 of Rogers et al. Rather, in all cases sensing is done by one or more implantable medical devices 20 that are implanted in the body. The physiological data is then relayed to the implantable transceiver 10 which then relays the data to the external monitor 30. Accordingly, Rogers et al. does not describe or suggest "sensing by a smartphone...physiological data associated with a living organism" as recited in Claim 1.

Claim 1 also recites:

> selectively communicating by the smartphone using a first air interface of a plurality of air interfaces with which the smartphone is capable of communicating, responsive to the proximity criterion having been detected as being satisfied and responsive to a value of the physiological data associated with a living organism that was sensed by the smartphone using the smartphone-based sensor; and
>
> refraining from communicating by the smartphone using the first air interface absent said value of the physiological data associated with a living organism that was sensed by the smartphone using the smartphone-based sensor satisfying a criterion, even though the proximity criterion is detected as being satisfied.

At page 3, the Detailed Action correctly indicates that Column 8, Lines 10-50 of Rogers et al. describe using a plurality of air interfaces by the implantable transceiver 10:

> ... In one embodiment, the communication system of the implantable transceiver 10 includes at least one two-way transceiver unit 12 to facilitate wireless communication with the IMD 20 and the external monitor 30. Known wireless techniques include personal area networks (PAN) and local area networks (LAN). Examples of these wireless techniques include Bluetooth technology and technology based on an IEEE 802.11b wireless specification. Separate transceiver units 12 may be used to communicate with one or more IMDs 20 and the external monitor 30. Each of the two-way transceiver units 12 may request and receive information from both the IMD 20 and the external monitor 30. For example, physiological data may be obtained through

> communication with the IMD 20. This data represents what physiological conditions the IMD 20 is sensing. In other words, the implantable transceiver 10 receives data indicating what the IMD 20 "thinks" the patient's physical condition is. (emphasis added)

However, this laundry list of known wireless techniques does not describe or suggest selectively communicating by the smartphone using a first interface responsive to the proximity criterion and a value of the physiological data and refraining from communicating by the smartphone using the first interface absent the value of the physiological data even though the proximity criterion is detected as being satisfied, as recited in Claim 1.

Similarly, many communication techniques are available for the external monitor 30 as described, for example, at Column 6, Lines 14-18 of Rogers et al:

> The external monitor 30 utilizes a communication network 40, which may be a land-line telephone network, a wireless network, a satellite communication network, or other suitable network to facilitate two-way communication with a monitoring center 50. (emphasis added)

Again, however, this passage does not describe selectively communicating or refraining from communicating by the external monitor 30 based on a value of physiological data and a proximity criterion.

For at least the reasons described above, Rogers et al. does not describe or suggest many of the recitations of Claim 1, even though Rogers et al. describes a system that includes implantable medical devices 20, an implantable transceiver 10, and an external monitor 30. Nor is the secondary reference Stivoric et al. alleged to describe any of the missing teachings. For at least these reasons Claim 1 is patentable over Rogers et al. in view of Stivoric et al.

Moreover, in a sincere effort to advance the application to an expedited allowance, Claim 1 has been amended to explicitly recite that the smartphone senses physiological data associated with a living organism "using a smartphone-based sensor." There is no interpretation of Rogers et al. that could meet this recitation, because the implantable medical devices 20 are always implanted inside the patient's body and the "smartphone" 30 is always outside the patient's body. Nor would it be predictable to move the implantable medical devices 20 outside the patient's body as they no longer would be implantable. Nor would it be predictable to somehow put a smartphone in a patient's body. Claim 1 is patentable for at least this additional reason.

Finally, Claim 1 has also been amended to explicitly recite that "the entity is not the living organism" so as to preclude any interpretation of the communication between the "smartphone" 30 and the implantable transceiver 10 as reading on the claimed communication between the smartphone and the entity. In this regard, it might also be attempted to interpret the claimed "entity" to correspond to the monitoring center 50 of Rogers FIG. 1. However, even if this was the case, there is no communication between the "smartphone" 30 and the monitoring center 50 of Rogers et al. that is based on any kind of proximity criterion. Specifically, the smartphone 30 of Rogers et al. uses conventional cell phone or wired technologies for communication (note, Column 6, lines 14-18 of Rogers et al. that was cited above). None of these techniques are proximity-based. Claim 1 is patentable for at least these additional reasons.

In view of the above analysis, there is no reasonable interpretation of Rogers et al, taken alone or in combination with Stivoric et al., that would describe or suggest the recitations of Claim 1 or the analogous recitations of Claim 26. Accordingly, independent Claims 1 and 26, and the dependent claims that depend therefrom, are patentable over Rogers et al. in view of Stivoric et al.

Dependent Claims Are Patentable

The dependent claims are patentable at least per the patentability of the independent claims from which they depend. Moreover, many of the dependent claims are separately patentable. However, as each of these claims depends from a base claim that is believed to be in condition for allowance, Applicants do not believe that it is necessary to argue the allowability of each dependent claim individually. Applicants do not necessarily concur with the Examiner's interpretation of these claims, nor with the bases for rejection set forth in the Official Action. Applicants therefore reserve the right to address the patentability of these claims individually as necessary in the future.

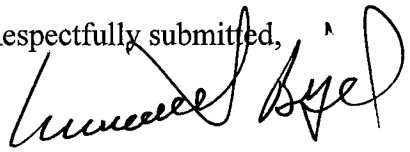
Conclusion

Applicants again appreciate the continued thorough examination, the withdrawal of all previous rejections and the new search that was performed by the Examiner. As shown above, there is no reasonable interpretation of the references that would preclude patentability.

Accordingly, Applicants respectfully request entry of the present Amendment, withdrawal of the outstanding rejections, and allowance of the present application.

As noted above, the present Amendment is being submitted concurrently with a Certification And Request For Consideration Under The After Final Consideration Pilot Program 2.0. Accordingly, Applicants respectfully request consideration of the present Amendment under the After Final Consideration Pilot Program 2.0. Moreover, Applicants respectfully request a telephone interview with the Examiner under the After Final Consideration Pilot Program 2.0 if the present Amendment is not deemed to place the application in condition for allowance.

Respectfully submitted,

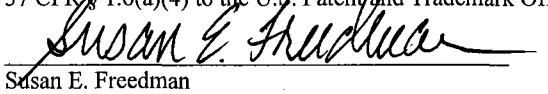


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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with 37 CFR § 1.6(a)(4) to the U.S. Patent and Trademark Office on November 24, 2015.



Susan E. Freedman

Electronic Acknowledgement Receipt

EFS ID:	24174371
Application Number:	12264711
International Application Number:	
Confirmation Number:	1684
Title of Invention:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION
First Named Inventor/Applicant Name:	PETER D. KARABINIS
Customer Number:	20792
Filer:	Mitchell S. Bigel/Susan E. Freedman
Filer Authorized By:	Mitchell S. Bigel
Attorney Docket Number:	9466-24
Receipt Date:	24-NOV-2015
Filing Date:	04-NOV-2008
Time Stamp:	11:44:58
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	After Final Consideration Program Request	9466-24_2015-11-24_AFCP_Request.pdf	134585 78e0e5a2d1c45abbe6d98df657b798cc317c2edb	no	1

Warnings:	
Information:	

IPR2025-01239
Apple EX1044 Page 440

2		9466-24_2015-11-24_Amendment.pdf	968390 5887284bdaa631356a519dfa5e31233c60a396f7	yes	10

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Response After Final Action	1	1
Claims	2	4
Applicant Arguments/Remarks Made in an Amendment	5	10

Warnings:	
Information:	
Total Files Size (in bytes):	1102975

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/264,711	11/04/2008	PETER D. KARABINIS	9466-24	1684

20792 7590 12/01/2015

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

EXAMINER
VU, MICHAEL T

ART UNIT	PAPER NUMBER
2641	

MAIL DATE	DELIVERY MODE
12/01/2015	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.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 12/264,711	**Applicant(s)** KARABINIS ET AL.	
	Examiner MICHAEL T. VU	**Art Unit** 2641	**AIA (First Inventor to File) Status** No

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

THE REPLY FILED 24 November 2015 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

NO NOTICE OF APPEAL FILED

1. ☒ The reply was filed after a final rejection. No Notice of Appeal has been filed. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114 if this is a utility or plant application. Note that RCEs are not permitted in design applications. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action; or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
   c) ☐ A prior Advisory Action was mailed more than 3 months after the mailing date of the final rejection in response to a first after-final reply filed within 2 months of the mailing date of the final rejection. The current period for reply expires months from the mailing date of *the prior Advisory Action* or SIX MONTHS from the mailing date of the final rejection, whichever is earlier.
   Examiner Note: If box 1 is checked, check either box (a), (b) or (c). ONLY CHECK BOX (b) WHEN THIS ADVISORY ACTION IS THE FIRST RESPONSE TO APPLICANT'S FIRST AFTER-FINAL REPLY WHICH WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. ONLY CHECK BOX (c) IN THE LIMITED SITUATION SET FORTH UNDER BOX (c). See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) or (c) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendments filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   b) ☐ They raise the issue of new matter (see NOTE below);
   c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): (a) ☒ will not be entered, or (b) ☐ will be entered, and an explanation of how the new or amended claims would be rejected is provided below or appended.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
9. ☐ The affidavit or other evidence filed after final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
10. ☐ The affidavit or other evidence filed after the date of filing the Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
11. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

12. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
13. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
14. ☐ Other: _____.

STATUS OF CLAIMS

15. The status of the claim(s) is (or will be) as follows:
    Claim(s) allowed: .
    Claim(s) objected to: .
    Claim(s) rejected: 1-3,26,29 and 30.
    Claim(s) withdrawn from consideration: .

/MICHAEL T VU/
Primary Examiner, Art Unit 2641

IPR2025-01239
Apple EX1044 Page 443

The added limitations in the amended independent claims 1 and 26 which raise the new issues that would require further consideration and search.

IPR2025-01239
Apple EX1044 Page 444

OK TO ENTER: /MTV/

Attorney Docket No. 9466-24 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Peter D. Karabinis et al
Application No.: 12/264,711
Filed: November 4, 2008
For: MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION

Confirmation No.: 1684
Examiner: Michael T. Vu
Group Art Unit: 2641

November 24, 2015

Mail Stop AF
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

AMENDMENT UNDER AFCP 2.0

Sir:

The present Amendment is being filed to address the issues raised in the final Official Action mailed October 26, 2015. Applicants are submitting the present Amendment concurrently with a Certification And Request For Consideration Under The After Final Consideration Pilot Program 2.0 (AFCP 2.0). Accordingly, Applicants respectfully request consideration of the present Amendment under the After Final Consideration Pilot Program 2.0.

If any extension of time for the accompanying response or submission is required, please consider this a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

Amendments to the claims begin on Page 2 of this paper.

Remarks begin on Page 5 of this paper.

PTO/SB/30 (07-14)
Approved for use through 07/31/2016 OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	12/264,711
Filing Date	11-04-2008
First Named Inventor	Peter D. Karabinis
Art Unit	2641
Examiner Name	Michael T. Vu
Attorney Docket Number	9466-24

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, to any international application that does not compy with the requirements of 35 U.S.C 371, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO on page 2.)

1. 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).

   a. [✓] 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.

      i. [ ] Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

      ii. [✓] Other Consider Amendment Under AFCP 2.0 filed 11-24-2015

   b. [ ] Enclosed

      i. [ ] Amendment/Reply

      ii. [ ] Affidavit(s)/ Declaration(s)

      iii. [ ] Information Disclosure Statement (IDS)

      iv. [ ] Other _____

2. Miscellaneous

   a. [ ] 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)

   b. [✓] Other Applicant respectfully requests a telephone interview with the Examiner if entry of the Amendment does not result in allowance

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

   a. [✓] The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 50-0220.

      i. [ ] RCE fee required under 37 CFR 1.17(e)

      ii. [ ] Extension of time fee (37 CFR 1.136 and 1.17)

      iii. [ ] Other _____

   b. [ ] Check in the amount of $ _____ enclosed

   c. [✓] Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	Mitchell Bigel	Date	12-09-2015
Name (Print/Type)	Mitchell S. Bigel	Registration No.	29,614

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature			
Name (Print/Type)		Date	

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. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop RCE, 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.

Electronic Patent Application Fee Transmittal

Application Number:	12264711
Filing Date:	04-Nov-2008
Title of Invention:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION
First Named Inventor/Applicant Name:	PETER D. KARABINIS
Filer:	Mitchell S. Bigel/Susan E. Freedman
Attorney Docket Number:	9466-24

Filed as Large 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($)
Miscellaneous:				
RCE- 2nd and Subsequent Request	1820	1	1700	1700
		Total in USD ($)		**1700**

Electronic Acknowledgement Receipt

EFS ID:	24311233
Application Number:	12264711
International Application Number:	
Confirmation Number:	1684
Title of Invention:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION
First Named Inventor/Applicant Name:	PETER D. KARABINIS
Customer Number:	20792
Filer:	Mitchell S. Bigel/Susan E. Freedman
Filer Authorized By:	Mitchell S. Bigel
Attorney Docket Number:	9466-24
Receipt Date:	09-DEC-2015
Filing Date:	04-NOV-2008
Time Stamp:	15:52:21
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$1700
RAM confirmation Number	2628
Deposit Account	
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

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)	9466-24_2015-12-09_RCE.pdf	147232 f6d545cdd9bfc82e036fc1e3cc851346b03dc1a6	no	1
Warnings:					
This is not a USPTO supplied RCE SB30 form.					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30519 a53b85bc4b8ef75dcb4b9c96f4d5336f845c0ecf	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	177751		

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

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/264,711	11/04/2008	PETER D. KARABINIS	9466-24	1684

20792 7590 02/17/2016
MYERS BIGEL & SIBLEY, P.A.
PO BOX 37428
RALEIGH, NC 27627

EXAMINER
VU, MICHAEL T

ART UNIT	PAPER NUMBER
2641	

MAIL DATE	DELIVERY MODE
02/17/2016	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. 12/264,711	Applicant(s) KARABINIS ET AL.	
	Examiner MICHAEL T. VU	Art Unit 2641	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 *12/09/2015*.

☐ 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) *1-3,26,29 and 30* 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) *1-3,26,29 and 30* 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 *11/04/2008* 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: _____.

IPR2025-01239
Apple EX1044 Page 452

DETAILED ACTION

1. The present application is being examined under the pre-AIA first to invent provisions.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/09/2015 has been entered.

Claim Rejections - 35 USC § 103

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

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

4. Claims 1-3, 26, 29-30 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Humbel (US 2007/0197261), hereinafter “Humbel“, in view of Fadell

(US 2009/0169070), hereinafter “Fadell“, and further in view of UZO (US 2008/0040274), hereinafter “UZO”.

Regarding **claim 1,** Humbel teaches a method comprising:

sensing by a smartphone (pars [0001-0002] teach a mobile handset device with a fingerprint sensor), using a smartphone-based sensor, physiological data associated with a living organism (pars [0001-0002] teach a mobile handset device with the fingerprint sensor to access authentication, authorization such as buy/purchase, sale, payment via the Bluetooth, NFC, W-LAN links);

detecting that a proximity criterion is satisfied between the smartphone and an entity, wherein the entity is not the living organism (pars [0001-0002], [0065] teach the detection between the mobile handset and the terminal of sale or at cashes/sales registered reads on entity via the Bluetooth, NFC, W-LAN, short range communications connections/links which reads on a proximity criterion is satisfied);

selectively communicating by the smartphone using a first air interface of a plurality of air interfaces with which the smartphone is capable of communicating (Humbel, pars [0001-0002] teach the interfaces, e.g., GSM, Bluetooth, NFC, W-LAN for mobile payment and payment control features as well), responsive to the proximity criterion having been detected as being satisfied and responsive to a value of the physiological data associated with a living organism that was sensed by the smartphone using the smartphone-based sensor (pars 0001-0002] [0065] teach the detection as being satisfied and responsive to the fingerprint or body identify which reads on a value of the physiological data associated with a living organism), and

refraining from communicating by the smartphone using the first air interface absent said value of the physiological data associated with a living organism that was sensed by the smartphone using the smartphone-based sensor satisfying a criterion (pars [0014-0015] teach the biometric fingerprint sensor did not exist means not satisfying a criterion), even though the proximity criterion is detected as being satisfied (pars [0014-0015] teach the biometric fingerprint sensor did not exist means not match the fingerprint and not identified reads on even though the proximity criterion is detected as being satisfied).

Humbel does not explicitly teach the detection of the fingerprint signatures that match or does not match the fingerprint signatures.

Fadell, in the same field of endeavor, teaches the detection of the fingerprint signatures that match or the detected fingerprints does not match then try again or else (Figure 4, and pars [0049-0054]).

Therefore, it would have been obvious to one skilled in the art at the time of the invention, to modify Humbel, with Fadell's teaching, in order to use detection of the fingerprint signatures match or does not match the fingerprint signatures, including means for enabling the interaction between devices such that controlling the electronic device by detecting and using a person's signature fingerprint in a secure authorization access for preventing unauthorized users to manipulate the input as taught by Fadell (col. 1, pars [0003-0005]).

However, Humbel and Fadell do not clearly teach the sale terminal.

UZO, in the same field of endeavor, teaches the sale terminal or the point of sale (POS) device computes an amount, or is connected to a device such as a cash register that computes the amount, for which payment is due. For electronic payments, the POS device reads the consumer's payment instrument or biometric data e.g., fingerprint, and sends that information along with the merchant's identification number and payment amount to the issuer. It may also read data from the payment instrument using a short-range wireless communication protocol e.g., Bluetooth or an infrared device (par [0113]).

Therefore, it would have been obvious to one skilled in the art at the time of the invention, to modify Humbel and Fadell, with UZO's teaching, in order to use the sale terminal, including means for making secure electronic payments using communications devices and biometric data, e.g., fingerprint for ensuring that payments can be made between the payment instruments and/or the communications devices are secure as taught by UZO (col. 1, par [0004]).

Regarding **claims 2 and 29,** Humbel, Fadell, and UZO teach the method according to Claims 1, 26, Humbel further teaches wherein said detecting that a proximity criterion is satisfied between the smartphone and an entity comprises: detecting that a proximity criterion of less than 10 meters in distance is satisfied between the smartphone and the entity (pars [0001-0002] teach the Bluetooth interface which is less than 10 meters in distance); wherein the detecting is performed by the

smartphone, by a device that is associated with the entity, by a system that is associated with the smartphone (pars [0001-0002]), **or** a combination thereof.

Regarding **claims 3 and 30,** Humbel, Fadell, and UZO teach the method according to Claims 1, 26, Humbel further comprising: selectively sending information by the smartphone to **one or more** other devices and receiving information by the smartphone from the **one or more** other devices responsive to said value of the physiological data associated with a living organism that was sensed by the smartphone using the smartphone-based sensor satisfying the criterion (pars 0001-0002] [0065] teach the detection as being satisfied and responsive to the fingerprint or body identify which reads on a value of the physiological data associated with a living organism); and communicating by the smartphone using a second air interface of the plurality of air interfaces with which the smartphone is capable of communicating that differs from the first air interface (pars 0001-0002] [0065] teach the detection as being satisfied and responsive to the fingerprint or body identify which reads on a value of the physiological data associated with a living organism, and also teach the different interfaces such as GSM, Bluetooth, NFC, W-LAN for mobile payment and payment control features as well).

Regarding to **claim 26**, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL T. VU whose telephone number is (571)272-8131. The examiner can normally be reached on 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles N. Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MICHAEL T VU/
Primary Examiner, Art Unit 2641

Notice of References Cited	Application/Control No. 12/264,711	Applicant(s)/Patent Under Reexamination KARABINIS ET AL.	
	Examiner MICHAEL T. VU	Art Unit 2641	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-2007/0197261 A1	08-2007	Humbel; Roger Marcel	G06Q30/00	455/558
*	B	US-2009/0169070 A1	07-2009	Fadell; Anthony	G06F21/32	382/124
*	C	US-2008/0040274 A1	02-2008	UZO; Chijioke Chukwuemeka	G06Q20/40	705/44
	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	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.

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	Art Unit
	MICHAEL VU	2641

✓	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	09/18/2015	02/11/2016							
	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	-								
	26	✓	✓							
	27	-								
	28	-								
	29	✓	✓							
	30	✓	✓							
	31	-								
	32	-								
	33	-								
	34	-								
	35	✓								
	36	-								

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	Art Unit
	MICHAEL VU	2641

✓	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	09/18/2015	02/11/2016							
	37	-								
	38	-								
	39	-								
	40	-								
	41	-								
	42	-								
	43	-								
	44	-								
	45	-								
	46	-								
	47	-								
	48	-								
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	53	-								
	54	-								
	55	✓								
	56	✓								
	57	✓								
	58	✓								
	59	✓								
	60	✓								

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	1	12/264711	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 11:14
S2	1	12/264711 and "16"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 11:30
S3	1	12/264711 and entity	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 11:32
S4	15	financial near transaction same payment near3 toll	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 11:52
S5	8905	455/456.1-456.6.ccls.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:01
S6	2466044	first same second same (mobile pda cell cellular portable phone device)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:02
S8	9883	first same second same (mobile pda cell cellular portable phone device) same entity	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:03
S10	222	S5 and S8	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:04
S12	3555	entity same (detect$3 associat$4) same first same second same (mobile pda cell cellular portable phone device)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:05
S13	88	S5 and S12	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:05

S14	87	entity same (detect$3 associat$4) same first same second same (mobile pda cell cellular portable phone device) and (position location) same velocity same time	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:10
S15	5	S5 and S14	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:10
S16	1	entity same (detect$3 associat$4) same first same second same (mobile pda cell cellular portable phone device) and (position location) same velocity and time-of-day	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:16
S17	286	(detect$3 associat$4) same first same second same (mobile pda cell cellular portable phone device) and (position location) and pay$6 near2 toll	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:18
S18	4	S5 and S17	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:18
S19	275	first near4 (mobile pda cell cellular portable phone device) same second near4 (mobile pda cell cellular portable phone device) and pay$6 near2 toll	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:20
S20	9	S5 and S19	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:20
S21	411	(payment toll) same (master slave) same (phone portable mobile cell cellular pda)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:31
S22	2	S5 and S21	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:31
S24	55	(pay$4 near2 toll) same (first master) same (second slave) same (phone portable mobile cell cellular pda device)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/13 12:42
S25	339	karabinis near2 peter.in.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/19 15:59
S26	466	time-of-day and velocity and entity	US-PGPUB; USPAT; USOCR; EPO; JPO;	OR	OFF	2011/09/19 16:00

			DERWENT			
S27	5	S25 and S26	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2011/09/19 16:00
S28	1	12/264711 and detector	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2012/02/03 16:07
S29	1	12/264711 and value same satisf$7	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2012/02/03 16:27
S30	6	(mobile cell cellular pda phone) same payroll same (met satisf$7)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2012/02/03 16:31
S31	1	(mobile cell cellular pda phone) same ((pay adj toll) paytoll) same (met satisf$7)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2012/02/03 16:32
S32	145	(mobile cell cellular pda phone) same ((pay adj toll) paytoll)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2012/02/03 16:36
S33	1204055	(time-of-day TOD ToM ToY velocity)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2012/02/03 16:38
S34	14	S32 and S33	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2012/02/03 16:38
S36	28	(mobile cell cellular pda phone) same ((pay adj toll) paytoll purchas$5) same respon$6 near2 value	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2012/02/03 16:52
S38	8	(mobile cell cellular pda phone) same ((pay adj toll) paytoll) same value	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2012/02/03 16:56
S39	4	("20030187571" | "20070176771" | "20090143966" | "6012012").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2012/02/03 17:16
S40	23	("7133659" | "20060145893" | "20070285280" | "7822644" | "7028897" | "RE39736" | "20070167147" | "20080167966" | "20060009234" | "6769607" | "7155199" | "20040030601").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2012/02/03 17:29

IPR2025-01239
Apple EX1044 Page 464

S41	1	12/264711	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/15 16:24
S42	1	12/264711 and second near device	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/15 16:26
S43	1	12/264711 and mode	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/15 16:39
S44	878	(deduct$4 withdrawn$3 charg$4 paid pay$3) same (toll$3) same (master owner)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 21:20
S45	202	(deduct$4 withdrawn$3 charg$4 paid pay$3) same (toll$3) same (master owner slave) same (first second)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 21:22
S47	15	(deduct$4 withdrawn$3 charg$4 paid pay$3) same (toll$3) same (master owner slave) same (first second) same (RFID tag)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 21:22
S48	21	(deduct$4 withdrawn$3 charg$4 paid pay$3) same (toll$3) same (master owner slave) same ((first second) near3 (device user))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 21:27
S49	82	(deduct$4 withdrawn$3 charg$4 paid pay$3) with (master owner) same (toll$3) same (transponder RFID tag$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 21:39
S50	83	(master primary owner) with (deduct$4 withdrawn$3 charg$4 paid pay$3) same (toll$3) same (transponder RFID tag$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 22:13
S51	17	(First primary multiple plurality) near2 (RFID tag$2) same (toll$3) same (bill$3 charg$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/16 22:25
S52	5	(toll) with non-member	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:35
S53	145	(toll) same (transaction) same member	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:36

S54	99	(toll) with (transaction) same member	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:36
S55	0	((pay adj toll) pay-toll) with (transaction) same member	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:37
S56	2	((pay adj toll) pay-toll) same (transaction) same member	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:37
S57	35	((pay adj toll) pay-toll) same (bill$3 charg$3 authoriz$6 transaction) same (master owner primary)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 13:55
S58	287974	H04W 64/00.CPC.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:25
S59	287974	H04W 4/02.CPC.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:25
S60	287974	H04W 48/04.CPC.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:25
S62	22	(mobile cell cellular pda phone) same ((pay adj toll) paytoll) same (transponder RFID) same (charg$4 bill$4 transaction)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:26
S63	1	S58 and S62	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:26
S65	117	(mobile cell cellular pda phone) same ((pay adj toll) paytoll toll) same (transponder RFID) same (charg$4 bill$4 transaction)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:27
S66	5	S58 and S65	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:27
S67	7	("20070066226" | "20070247333" | "20080086240" | "20100207754" | "20110039571" | "7139589" | "7539500").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2014/05/20 15:27

IPR2025-01239
Apple EX1044 Page 466

S68	5	S59 and S65	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:28
S69	35	((pay adj toll) pay-toll) same (bill$3 charg$3 authoriz$6 transaction) same (master owner primary)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:28
S70	2	S60 and S69	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:28
S71	17	("20010037174" | "20030115095" | "20030195697" | "20050107951" | "20070142050" | "20080030376" | "4676187" | "5184303" | "5509052" | "5550738" | "5694322" | "5970481" | "5974356" | "6199010" | "6594576" | "6705521" | "6741927").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2014/05/20 15:28
S73	529	(mobile cell cellular pda phone) same ((pay adj toll) paytoll toll) same (charg$4 bill$4 transaction) same (primary owner authoriz$5)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:30
S74	15	S58 and S73	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:30
S75	15	S59 and S73	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:31
S76	15	S60 and S73	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:31
S77	35	((pay adj toll) pay-toll) same (bill$3 charg$3 authoriz$6 transaction) same (master owner primary)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:31
S78	2	S59 and S77	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/05/20 15:31
S79	0	12/264711 and smartphone and building	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2014/09/08 11:22
S80	1	12/264711	US-PGPUB; USPAT;	OR	OFF	2014/09/08 11:22

IPR2025-01239
Apple EX1044 Page 467

			USOCR; EPO; JPO; DERWENT			
S81	5416	(phone mobile cell cellular pda) same (((Orthogonal adj Frequency adj Division adj Multiplexed) (Orthogonal adj Frequency adj Division adj Multiple adj Access)OFDM OFDMA)) same protocol	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 13:50
S82	23	(phone mobile cell cellular pda) same (((Orthogonal adj Frequency adj Division adj Multiplexed) (Orthogonal adj Frequency adj Division adj Multiple adj Access)OFDM OFDMA)) near4 protocol same (identif$6 RFID)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 13:51
S83	13004	(phone mobile cell cellular pda) same associat$6 same (identif$6 RFID) same (entity build$4 shopp$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 13:55
S84	246	(phone mobile cell cellular pda) same associat$6 same (identif$6 RFID) same (entity build$4 shopp$4) same (financial near2 transaction)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 13:57
S85	11	(phone mobile cell cellular pda) same associat$6 same (identif$6 RFID) same (entity build$4 shopp$4) same (financial near2 transaction) same ((short adj range) proximity)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 13:57
S86	17	11/933803	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 14:00
S87	19	(phone mobile cell cellular pda) same (identif$6 RFID) same (entity build$4 shopp$4) same (financial near2 transaction) same ((short adj range) proximity)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 14:07
S88	19	(phone mobile cell cellular pda) same (identif$6 RFID) same (entity build$4 shopp$4) same (financial near2 transaction) same ((short adj range) proximity)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 14:11
S89	19	(phone mobile cell cellular pda) same (identif$6 RFID) same (entity build$4 shopp$4) same (financial near2 transaction) same ((short adj range) proximity wifi wimax)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 14:11
S90	0	(phone mobile cell cellular pda) same (identif$6 RFID) same (entity build$4 shopp$4) same (financial near2 transaction) same ((short adj range) proximity wifi wimax) and (OFDM OFDMA)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/08 14:11
S91	2	(phone mobile cell cellular pda) same (identif$6 RFID) same (entity	US-PGPUB; USPAT;	OR	ON	2014/09/08 14:12

IPR2025-01239
Apple EX1044 Page 468

		build$4 shopp$4) same (financial near2 transaction) and ((short adj range) proximity wifi wimax) and (OFDM OFDMA)	USOCR; EPO; JPO; DERWENT			
S96	1065	(dual-mode dual adj mode dualmode) with (identif$7)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/09 15:02
S97	46	(dual-mode dual adj mode dualmode) with (identif$7) same (wimax wifi)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/09 15:02
S98	2	(dual-mode dual adj mode dualmode) with (identif$7) same (wimax wifi) same build$3	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/09 15:03
S99	308133	h04w 64/00.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/10 09:54
S100	46	(dual-mode dual adj mode dualmode) with (identif$7) same (wimax wifi)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/10 09:55
S101	27	S99 and S100	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/10 09:55
S102	308133	H04W 4/02.CPC.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/10 09:55
S103	27	S100 and S102	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2014/09/10 09:55
S105	1	12/264711	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 10:37
S108	46	(mobile cellular cell pda phone) same switch$4 same ((short adj range) RFID) same inside	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 10:52
S109	1	12/264711 and detector	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 10:56
S111	0	detect$3 same enable with ((plurality	US-PGPUB;	OR	ON	2015/01/21

		two) adj2 mode) same (short-range (short adj range))	USPAT; USOCR; EPO; JPO; DERWENT			10:59
S112	101	detect$3 same ((plurality two) adj2 mode) same (short-range (short adj range))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 10:59
S113	38085416	@ad<"20081104" @rlad<"20081104"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 11:00
S114	90	S112 and S113	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 11:00
S115	120	automat$8 same switch$4 same (RFID short-range (short adj range)) same (inside building)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 11:10
S116	77	S113 and S115	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 11:10
S118	225	(mobile cell cellular pda phone) same ((enab$6 switch$3) near3 mode) same detect$4 same (short-range wifi wi-fi (short adj range))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 11:19
S119	50	S113 and S118	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/01/21 11:20
S120	1	12/264711 and sens$3	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/01 19:42
S121	200	(phone pda cell cellular portable pda) same (toll adj2 collect$3) same (account$3 charg$3 pay$3 paid)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/04 13:47
S122	60	(phone pda cell cellular portable pda) same (toll adj2 collect$3) same (identif$5) same (account$3 charg$3 pay$3 paid)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/04 13:48
S124	1	(slave master) same (phone pda cell cellular portable pda) same (toll adj2 collect$3) same (identif$5) same (account$3 charg$3 pay$3 paid)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/06 10:59
S125	1	(slave master) same (phone pda cell	US-PGPUB;	OR	ON	2015/04/06

		cellular portable pda) same (toll adj2 collect$3) same (identif$5)	USPAT; USOCR; EPO; JPO; DERWENT			11:00
S127	0	(recogniz$3 with (phone pda cell cellular portable pda)) same (toll adj2 collect$3) same (identif$5) same (account$3 charg$3 pay$3 paid)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/06 11:02
S128	0	((multiple group) near5 (phone pda cell cellular portable pda)) same (toll adj2 collect$3) same (identif$5) same (account$3 charg$3 pay$3 paid)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/06 11:03
S129	1	(phone pda cell cellular portable pda) same (toll adj2 collect$3) same (identif$5) same (account$3 charg$3 pay$3 paid) near8 (primary)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/06 11:03
S131	395	(deduct$3 charg$3 withdraw$3) near7 (owner primary) same toll$3	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/07 11:15
S132	34	(deduct$3 charg$3 withdraw$3) near7 (owner primary) same toll$3 near2 collect$3	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/07 12:26
S133	4	(deduct$3 charg$3 withdraw$3) near7 (owner primary) with toll$3 near2 account$3	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/07 12:34
S134	1	(deduct$3 charg$3 withdraw$3) same (multiple group) same (owner primary) with toll$3 near2 account$3	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/07 12:40
S135	0	12/264711 and absent	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/07 13:35
S137	150	switch$3 same first near2 mode same second near2 mode same (RFID wifi wi-fi)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/07 14:13
S138	2	switch$3 same first near2 mode same second near2 mode same (RFID wifi wi-fi) same (emergency priorit$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/07 14:13
S139	70	switch$3 same first near2 mode same second near2 mode same (RFID wifi wi-fi) and (emergency priorit$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/07 14:14
S140	65	switch$3 same first near2 mode	US-PGPUB;	OR	ON	2015/04/07

		same second near2 mode same (wifi wi-fi)	USPAT; USOCR; EPO; JPO; DERWENT			14:30
S141	205	(dual-mode dual adj mode dualmode) with (convert$4 switch$4) same (wimax wifi wi-fi)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/07 14:39
S142	1	"08532069"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/04/09 10:30
S143	1	12/264711 and financial near transaction	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2015/04/09 11:20
S144	1	12/264711	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2015/09/17 16:50
S145	345	(phone pda cell cellular portable pda) with between with financial near2 transaction	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/09/17 20:45
S146	13	(phone pda cell cellular portable pda) with between with financial near2 transaction same ((short adj range) RFID)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/09/17 20:47
S147	1	12/002903	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/09/18 13:43
S148	2	"20090023474"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/09/18 13:53
S152	73	(mobile phone pda cell cellular) same (financial near transaction) same (match$4 near6 (ID identif$5))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/09/18 14:16
S153	451	(financial near transaction) near6 between near8 (mobile phone pda cell cellular)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/09/18 14:22
S154	92	(financial near transaction) near6 between near8 (mobile phone pda cell cellular) same ((short adj range) (RFID))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/09/18 14:22
S155	0	12/264711 and living near2	US-PGPUB;	OR	ON	2015/10/19

IPR2025-01239
Apple EX1044 Page 472

		organism	USPAT; USOCR; EPO; JPO; DERWENT			13:02
S156	1	12/264711	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/10/19 13:03
S157	18070	physiological near data	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/10/19 14:48
S158	7491	physiological near data same sens$3	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/10/19 14:48
S159	45	physiological near data same sens$3 same living	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/10/19 14:49
S160	0	physiological near data same sens$3 same living same phone	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/10/19 14:55
S161	7	physiological near data same sens$3 same living same (mobile smart-phone smartphone cell cellular pda)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/10/19 14:56
S162	5	physiological near data same living near3 organ$4 same (mobile smart-phone smartphone cell cellular pda)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/10/19 14:57
S163	92	sens$4 same physiological near3 data same living	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/10/19 15:23
S164	15	sens$4 same physiological near3 data same living same (mobile cell cellular pda smartphone phone smart-phone portable)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/10/19 15:23
S165	0	wegertseder near3 dominlk.in.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/10/19 15:27
S166	92	sens$4 same physiological near3 data same living	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/10/19 17:59
S167	4	S166 AND ((H04W4/027 OR	US-PGPUB;	OR	ON	2015/10/19

		H04W60/04 OR H04W64/006).CPC.)	USPAT; USOCR; EPO; JPO; DERWENT			17:59
S168	15	S166 AND ((G06F19/3418 OR G06F19/322 OR G06F19/3431 OR G06F15/18 OR G06F19/327 OR G06F19/3437 OR G06F19/3468 OR G06F3/038 OR G06F19/3481 OR G06F3/0416).CPC.)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/10/19 17:59
S169	14	S166 AND ((G01S13/88 OR G01S13/583 OR G01S13/56 OR G01S19/39 OR G01S5/00 OR G01S5/0294 OR G01S13/825 OR G01S13/87 OR G01S7/003 OR G01S13/50 OR G01S7/41).CPC.)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2015/10/19 18:00
S170	0	12/264711 and living near organism	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2016/02/10 14:29
S171	1	12/264711	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2016/02/10 14:29
S172	1	12/264711 and physiological	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2016/02/10 14:45
S173	0	(bluetooth wifi wi-fi) same (sale adj2 terminal) same (finger adj print)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2016/02/10 16:02
S174	431	(bluetooth wifi wi-fi) same (finger adj print)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2016/02/10 16:02
S175	14	(bluetooth wifi wi-fi) same (finger adj print) same match$3	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2016/02/10 16:02
S177	259	(bluetooth wifi wi-fi) and (finger adj print) near6 match$3	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2016/02/10 16:07
S178	137	(bluetooth wifi wi-fi) and (finger adj print) near6 match$3 same (terminal pda phone portable cell cellular)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2016/02/10 16:07
S179	38047193	@ad<"20081104" @rlad<"20081104"	US-PGPUB; USPAT; USOCR; EPO; JPO;	OR	ON	2016/02/10 16:08

			DERWENT			
S181	0	(bluetooth wifi wi-fi) and (finger adj print) near6 match$3 same (terminal pda phone portable cell cellular) same sale	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2016/02/10 16:09
S182	142	(bluetooth wifi wi-fi) and (ID identif$6 (finger adj print)) near6 match$3 same (terminal pda phone portable cell cellular) same sale	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2016/02/10 16:11
S183	53	S179 and S182	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2016/02/10 16:11
S184	937	(bluetooth wifi wi-fi) same (ID identif$6 (finger adj print)) near6 match$3	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2016/02/10 16:16
S185	2	(bluetooth wifi wi-fi) same ((finger adj print) near6 match$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2016/02/10 16:16
S187	9	(bluetooth wifi wi-fi) same (finger adj print) same sale	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2016/02/10 16:18
S188	60	(bluetooth wifi wi-fi) same (fingerprint finger-print (finger adj print)) same sale	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2016/02/10 16:21
S189	35	S179 and S188	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2016/02/10 16:21
S190	424	(bluetooth wifi wi-fi) same (fingerprint finger-print (finger adj print)) same (sale match$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2016/02/10 16:36
S191	194	(bluetooth wifi wi-fi) same (fingerprint finger-print (finger adj print)) near8 (match$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2016/02/10 16:36
S193	68	S179 and S191	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2016/02/10 16:37

2/11/2016 12:04:26 PM
C:\Users\mvu1\Documents\EAST\Workspaces\12264711_Pay_Toll.wsp

IPR2025-01239
Apple EX1044 Page 476

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	Art Unit
	MICHAEL VU	2641

CPC- SEARCHED		
Symbol	Date	Examiner
H04W 64/00	2/10/2016	MTV

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner
H04W 64/00, H04W 4/02, H04W 48/04	2/10/2016	MTV

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
455	456.1-456.5, 426.1, 705	2/10/2016	MTV
	See Searched History	2/10/2016	MTV

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor Name: Karabinis Peter	2/10/2016	MTV
Assignee: Telcom Ventures, Inc.	2/10/2016	MTV
Double Patent Checked	2/10/2016	MTV
Update EAST Search System	2/10/2016	MTV

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

	/MICHAEL T VU/ Primary Examiner.Art Unit 2641

Attorney Docket No. 9466-24 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Peter D. Karabinis et al. Confirmation No.: 1684
Application No.: 12/264,711 Examiner: Michael T. Vu
Filed: November 4, 2008 Group Art Unit: 2641
For: MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION

April 6, 2016

Mail Stop Amendment
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Sir:

The present Request for Reconsideration is being filed to address the issues raised in the Official Action mailed February 17, 2016.

If any extension of time for the accompanying response or submission is required, please consider this a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

While no amendments are made to the claims, for the Examiner's convenience, a listing of claims is provided beginning on Page 2 of this paper.

Remarks begin on Page 5 of this paper.

In the Claims:

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

1. (Previously Presented) A method comprising:

sensing by a smartphone, using a smartphone-based sensor, physiological data associated with a living organism;

detecting that a proximity criterion is satisfied between the smartphone and an entity, wherein the entity is not the living organism;

selectively communicating by the smartphone using a first air interface of a plurality of air interfaces with which the smartphone is capable of communicating, responsive to the proximity criterion having been detected as being satisfied and responsive to a value of the physiological data associated with a living organism that was sensed by the smartphone using the smartphone-based sensor; and

refraining from communicating by the smartphone using the first air interface absent said value of the physiological data associated with a living organism that was sensed by the smartphone using the smartphone-based sensor satisfying a criterion, even though the proximity criterion is detected as being satisfied.

2. (Previously Presented) The method according to Claim 1, wherein said detecting that a proximity criterion is satisfied between the smartphone and an entity comprises:

detecting that a proximity criterion of less than 10 meters in distance is satisfied between the smartphone and the entity;

wherein the detecting is performed by the smartphone, by a device that is associated with the entity, by a system that is associated with the smartphone, or a combination thereof.

3. (Previously Presented) The method according to Claim 1, further comprising:

selectively sending information by the smartphone to one or more other devices and receiving information by the smartphone from the one or more other devices responsive to said

value of the physiological data associated with a living organism that was sensed by the smartphone using the smartphone-based sensor satisfying the criterion; and

communicating by the smartphone using a second air interface of the plurality of air interfaces with which the smartphone is capable of communicating that differs from the first air interface.

4 – 25. (Canceled)

26. (Previously Presented) A smartphone comprising:

a processor that is configured to control the smartphone to perform operations comprising:

sensing, using a smartphone-based sensor, physiological data associated with a living organism;

detecting that a proximity criterion is satisfied between the smartphone and an entity, wherein the entity is not the living organism;

selectively communicating using a first air interface of a plurality of air interfaces with which the smartphone is capable of communicating, responsive to the proximity criterion having been detected as being satisfied and responsive to a value of the physiological data associated with a living organism that was sensed by the smartphone using the smartphone-based sensor; and

refraining from communicating using the first air interface absent said value of the physiological data associated with a living organism that was sensed by the smartphone using the smartphone-based sensor satisfying a criterion, even though the proximity criterion is detected as being satisfied.

27. - 28. (Canceled)

29. (Previously Presented) The smartphone according to Claim 26, wherein said detecting that a proximity criterion is satisfied between the smartphone and an entity comprises:

detecting that a proximity criterion of less than 10 meters in distance is satisfied between the smartphone and the entity.

30. (Previously Presented) The smartphone according to Claim 26, wherein the processor is further configured to control the smartphone to perform further operations comprising:

selectively sending information to one or more other devices and receiving information from the one or more other devices responsive to said value of the physiological data associated with a living organism that was sensed by the smartphone using the smartphone-based sensor satisfying the criterion; and

communicating using a second air interface of the plurality of air interfaces with which the smartphone is capable of communicating that differs from the first air interface.

31-60. (Canceled)

REMARKS

Applicants appreciate the continued thorough examination of the present application by the Examiner in the non-final Official Action of February 17, 2016. Applicants also appreciate the withdrawal of all previous rejections.

Applicants respectfully submit, however, that independent Claims 1 and 26 are patentable under 35 U.S.C. §103 over newly cited U.S. Patent Application Publication 2007/0197261 to Humbel in view of newly cited U.S. Patent Application Publication 2009/0169070 to Fadell and further in view of newly cited U.S. Patent Application Publication 2008/0040274 to Uzo. Accordingly, Applicants respectfully request withdrawal of the outstanding rejection for the reasons that will now be described.

Independent Claim 1 recites:

> 1. A method comprising:
> sensing by a smartphone, using a smartphone-based sensor, physiological data associated with a living organism;
> detecting that a proximity criterion is satisfied between the smartphone and an entity, wherein the entity is not the living organism;
> selectively communicating by the smartphone using a first air interface of a plurality of air interfaces with which the smartphone is capable of communicating, responsive to the proximity criterion having been detected as being satisfied and responsive to a value of the physiological data associated with a living organism that was sensed by the smartphone using the smartphone-based sensor; and
> refraining from communicating by the smartphone using the first air interface absent said value of the physiological data associated with a living organism that was sensed by the smartphone using the smartphone-based sensor satisfying a criterion, even though the proximity criterion is detected as being satisfied. (*emphasis added*)

Independent Claim 26 is a device analog of Claim 1 and will not be analyzed separately in the interest of brevity.

The above underlined recitations regarding "refraining from communicating" are not described or suggested by Humbel. Specifically, Page 4 of the Detailed Action states:

> refraining from communicating by the smartphone using the first air interface absent said value of the physiological data

> associated with a living organism that was sensed by the smartphone using the smartphone-based sensor satisfying a criterion (pars [0014-0015] teach the biometric fingerprint sensor did not exist means not satisfying a criterion), even though the proximity criterion is detected as being satisfied (pars [0014-0015] teach the biometric fingerprint sensor did not exist means not match the fingerprint and not identified reads on even though the proximity criterion is detected as being satisfied).
> (*double underlining added*)

Paragraphs [0014] and [0015] of Humbel state:

> [0014] Also mobile phones or extension kits that RFID-tags or other NFC transceiver read or with other NFC transceivers do interact did not exist yet, over all not with biometric authentification with fingerprint-sensor and direct over a cable to them attached or to them connected keys (bundles) or remote central locking systems for cars!
>
> [0015] NFC is "Near Field Communication" on 13.56 MHz frequency and like its name and definition does NFC can send only in a radius of about 10 cm range. A combination of mobile phone or extension kit with NFC or even Bluetooth and biometric (fingerprint) sensor did not exist yet. A combination of mobile phone or extension kit with NFC or even Bluetooth and biometric (fingerprint-) sensor did not exist either, though this brings ultimate direct- or mobile payment etc. -advantages, because no spy transceivers like with Bluetooth can read the sensitive data.
> (*emphasis added*)

Paragraph [0014] clearly states that mobile phones with Near Field Communication (NFC) transceivers and biometric authentification with a fingerprint sensor did not exist yet. Paragraph [0015] clearly states that a combination of a mobile phone with NFC and a biometric (fingerprint) sensor did not exist yet. Thus, both of these paragraphs are consistent that the combination of NFC transceiver plus biometric finger sensor did not yet exist in a mobile phone at the time of filing of Humbel.

In sharp contrast, the above underlined recitation of Claim 1 assumes that a smartphone includes a first air interface such as an NFC interface and a smartphone based sensor for physiological data so that a value of the physiological data associated with a living organism can be sensed:

> refraining from communicating by the smartphone using the first air interface absent said **value** of the physiological data associated with a living organism that was sensed by the smartphone using the smartphone-based sensor satisfying a criterion, even though the proximity criterion is detected as being satisfied. (*emphasis added*)

Thus, Claim 1 assumes that the smartphone based sensor is included in a smartphone, and that it produces a value of physiological data associated with a living organism. Claim 1 also recites that the value of the physiological data associated with a living organism that was sensed by the smartphone based sensor does not satisfy a criterion when refraining from communicating by the smartphone using the first air interface. Clearly, if there was no physiological data sensor on the smartphone, there is no value of physiological data that is sensed, and there can be no comparison of this value to a criterion to determine that the value does not satisfy the criterion, so as to refrain from communicating by the smartphone using the first air interface.

In summary, the cited Paragraphs [0014] – [0015] of Humbel state that there is no physiological data sensor on the smartphone. Thus, how could it be determined that the value of the physiological data does not satisfy a criteria? It could not be determined. Only Claim 1 recites:

> refraining from communicating by the smartphone using the first air interface absent said value of the physiological data associated with a living organism that was sensed by the smartphone using the smartphone-based sensor satisfying a criterion, even though the proximity criterion is detected as being satisfied. (*emphasis added*)

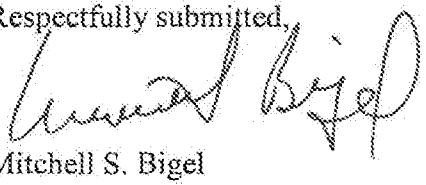
Fadell and Uzo are not alleged to supply the missing teachings.

For at least these reasons, independent Claims 1 and 26 are patentable over Humbel in view of Fadell and in further view of Uzo. Accordingly, Applicants respectfully request withdrawal of the outstanding rejections of independent Claims 1 and 26 and of the dependent claims that depend therefrom.

CONCLUSION

In view of the above remarks, all of the claims are now in condition for allowance, which is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,

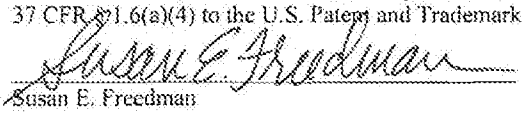


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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with 37 CFR §1.6(a)(4) to the U.S. Patent and Trademark Office on April 6, 2016.



Susan E. Freedman

Attorney Docket No. 9466-24 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Peter D. Karabinis et al. Confirmation No.: 1684
Application No.: 12/264,711 Examiner: Michael T. Vu
Filed: November 4, 2008 Group Art Unit: 2641
For: MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION

April 6, 2016

Mail Stop Amendment
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT TRANSMITTAL

Sir:

Attached is an Information Disclosure Statement listing of documents, together with a copy of any listed foreign patent document and/or non-patent literature. A copy of any listed U.S. patent and/or U.S. patent application publication is not provided herewith in accordance with 37 C.F.R. § 1.98(a)(2)(ii).

☐ In accordance with **37 CFR 1.97(b)**, the information disclosure statement is being filed:

☐ (1) within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);

☐ (2) within three months of the date of entry of the national stage as set forth in §1.491 in an international application;

☐ (3) before the mailing of a first Office Action on the merits; or

☐ (4) before the mailing of a first Office Action after the filing of a request for continued examination under §1.114.

☒ In accordance with **37 CFR 1.97(c)**, the information disclosure statement is being filed after the period specified in 37 CFR 1.97(b) above, but before the mailing date of any of a final action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, and is accompanied by **one** of the following:

☒ (1) The statement specified under **37 CFR 1.97(e)**, as follows:

☐ Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; **or**

☒ No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement; **or**

☐ (2) The fee set forth in §1.17(p);

☐ In accordance with **37 CFR 1.97(d)**, the information disclosure statement is being filed after the period specified in 37 CFR 1.97(c) above, but on or before payment of the issue fee, and is accompanied by **both** of the following:

☐ (1) The statement specified under **37 CFR 1.97(e)**, as follows:

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; **or**

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement; **and**

☐ (2) The fee set forth in §1.17(p);

In accordance with **37 CFR 1.97(g)**, the information disclosure statement shall not be construed as a representation that a search has been made.

In accordance with **37 CFR 1.97(h)**, the information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b).

☐ The Director is hereby authorized to charge the fee specified in 37 C.F.R. § 1.17(p), and any fee deficiency or credit any overpayment, to Deposit Account No. 50-0220;

☐ Fees are to be charged to a credit card; or

☒ No fee is believed due. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

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CERTIFICATION OF TRANSMISSION

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Susan E. Freedman

INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Complete if Known	
				Application Number	12/264,711
				Filing Date	11-04-2008
				First Named Inventor	Peter D. Karabinis
				Art Unit	2641
(use as many sheets as necessary)				Examiner Name	Michael T. Vu
Sheet	1	of	1	Attorney Docket Number	9466-24

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Document Number Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	US- 8,646,060 B1	02-04-2014	Ben Ayed	
	2.	US- 2013/0156218 A1	06-20-2013	Annacone et al.	
	3.	US- 2012/0214443 A1	08-23-2012	Daigle	
	4.	US- 2011/0314539 A1	12-22-2011	Horton	
	5.	US- 2010/0265845 A1	10-21-2010	Lampén	
	6.	US- 2010/0067591 A1	03-18-2010	Luo et al.	
	7.	US- 2009/0213947 A1	08-27-2009	Rao et al.	
	8.	US- 2009/0153367 A1	06-18-2009	Lee	
	9.	US- 7,539,241 B1	05-26-2009	Dick	
	10.	US- 2009/0113543 A1	04-30-2009	Adams et al.	
	11.	US- 2007/0184837 A1	08-09-2007	Hohl et al.	
	12.	US- 2006/0159260 A1	07-20-2006	Pereira et al.	
	13.	US- 2004/0170430 A1	09-02-2004	Gorokhov	
	14.	US- 2006/0133633 A1	06-22-2002	Hyvonen et al.	
		US-			
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document Country Code, Number, Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Electronic Acknowledgement Receipt

EFS ID:	25419742
Application Number:	12264711
International Application Number:	
Confirmation Number:	1684
Title of Invention:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION
First Named Inventor/Applicant Name:	PETER D. KARABINIS
Customer Number:	20792
Filer:	Mitchell S. Bigel/Susan E. Freedman
Filer Authorized By:	Mitchell S. Bigel
Attorney Docket Number:	9466-24
Receipt Date:	06-APR-2016
Filing Date:	04-NOV-2008
Time Stamp:	18:54:16
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		9466-24_2016-04-06_Request_for_Reconsideration.pdf	2388898 1a05ff6be2c17d98b02e8c72c43089993240011c	yes	8

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	4
	Applicant Arguments/Remarks Made in an Amendment	5	8

Warnings:					
Information:					
2		9466-24_2016-04-06_IDS.pdf	1204382 16d72a55d85c8ff19039a42f5d03e722a08775d4	yes	3

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Transmittal Letter	1	2
	Information Disclosure Statement (IDS) Form (SB08)	3	3

Warnings:	
Information:	
Total Files Size (in bytes):	3593280

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

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

20792 7590 06/23/2016

MYERS BIGEL & SIBLEY, P.A.
PO BOX 37428
RALEIGH, NC 27627

EXAMINER
VU, MICHAEL T

ART UNIT	PAPER NUMBER
2641	

DATE MAILED: 06/23/2016

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/264,711	11/04/2008	PETER D. KARABINIS	9466-24	1684

TITLE OF INVENTION: MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$480	$0	$0	$480	09/23/2016

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

IPR2025-01239
Apple EX1044 Page 491

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

20792 7590 06/23/2016
MYERS BIGEL & SIBLEY, P.A.
PO BOX 37428
RALEIGH, NC 27627

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/264,711	11/04/2008	PETER D. KARABINIS	9466-24	1684

TITLE OF INVENTION: MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$480	$0	$0	$480	09/23/2016

EXAMINER	ART UNIT	CLASS-SUBCLASS
VU, MICHAEL T	2641	455-456100

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
- ❑ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ❑ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ❑ Individual ❑ Corporation or other private group entity ❑ Government

4a. The following fee(s) are submitted:
- ❑ Issue Fee
- ❑ Publication Fee (No small entity discount permitted)
- ❑ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
- ❑ A check is enclosed.
- ❑ Payment by credit card. Form PTO-2038 is attached.
- ❑ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
- ❑ Applicant certifying micro entity status. See 37 CFR 1.29 — NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.
- ❑ Applicant asserting small entity status. See 37 CFR 1.27 — NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.
- ❑ Applicant changing to regular undiscounted fee status. — NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

IPR2025-01239
Apple EX1044 Page 492

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.
12/264,711	11/04/2008	PETER D. KARABINIS	9466-24	1684

20792 7590 06/23/2016

MYERS BIGEL & SIBLEY, P.A.
PO BOX 37428
RALEIGH, NC 27627

EXAMINER	
VU, MICHAEL T	

ART UNIT	PAPER NUMBER
2641	

DATE MAILED: 06/23/2016

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

IPR2025-01239
Apple EX1044 Page 493

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. 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, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. 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.

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 disclosure of these records is required by the Freedom of Information Act.
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 inspection 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.

Examiner-Initiated Interview Summary	Application No.	Applicant(s)	
	12/264,711	KARABINIS ET AL.	
	Examiner	Art Unit	
	MICHAEL T. VU	2641	

All participants (applicant, applicant's representative, PTO personnel):

(1) *MICHAEL T. VU*. (3)_____.

(2) *Mitchell S. Bigel* . (4)_____.

Date of Interview: *10 June 2016*.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☒ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☐ No.
If Yes, brief description: _____.

Issues Discussed ☐101 ☐112 ☐102 ☐103 ☒Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: *1, 3, 26, and 30*.

Identification of prior art discussed: _____.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Applicant's representative authorized entry of an Examiner's Amendment to incorporate the change of independent claims 1, 26, and cancel claims 3, 30, in order to expedite prosecution of the application in condition for allowance.

Applicant recordation instructions: It is not necessary for applicant to provide a separate record of the substance of interview.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/MICHAEL T VU/ Primary Examiner, Art Unit 2641	

IPR2025-01239
Apple EX1044 Page 495

Notice of Allowability	Application No. 12/264,711	Applicant(s) KARABINIS ET AL.	
	Examiner MICHAEL T. VU	Art Unit 2641	AIA (First Inventor to File) Status No

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

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *06/10/2016*.
   ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on_____.
2. ☐ 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.
3. ☒ The allowed claim(s) is/are *1-2, 26 and 29*. As a result of the allowed claim(s), 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 .
4. ☐ 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)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
4. ☒ Interview Summary (PTO-413), Paper No./Mail Date *06/10/2016* .
5. ☒ Examiner's Amendment/Comment
6. ☒ Examiner's Statement of Reasons for Allowance
7. ☐ Other _____.

/MICHAEL T VU/
Primary Examiner, Art Unit 2641

DETAILED ACTION

1. The present application is being examined under the pre-AIA first to invent provisions.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 04/06/2016 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

4. Authorization for this examiner's amendment was given in a telephone interview with Mitchell S. Bigel on June 10, 2016.

Please amend the applicant as follows:

5. **Claims 1 and 26 have been amended.**

6. **Claims 3 and 30 have been cancelled.**

Claim 1, (Currently Amended) A method comprising:

sensing by a smartphone, using a smartphone-based sensor, physiological data associated with a living organism;

detecting that a proximity criterion is satisfied between the smartphone and an entity, wherein the entity is not the living organism;

selectively communicating by the smartphone using a first air interface of a plurality of air interfaces with which the smartphone is capable of communicating, responsive to the proximity criterion having been detected as being satisfied and responsive to a value of the physiological data associated with a living organism that was sensed by the smartphone using the smartphone-based sensor; **[[**and**]]**

refraining from communicating by the smartphone using the first air interface absent said value of the physiological data associated with a living organism that was sensed by the smartphone using the smartphone-based sensor satisfying a criterion, even though the proximity criterion is detected as being satisfied;

selectively sending information by the smartphone to one or more other devices and receiving information by the smartphone from the one or more other devices responsive to said value of the physiological data associated with a living organism that was sensed by the smartphone using the smartphone-based sensor satisfying the criterion; and

communicating by the smartphone using a second air interface of the plurality of air interfaces with which the smartphone is capable of communicating that differs from the first air interface.

Claim 26, (Currently Amended) A smartphone comprising:

a processor that is configured to control the smartphone to perform operations comprising:

sensing, using a smartphone-based sensor, physiological data associated with a living organism;

detecting that a proximity criterion is satisfied between the smartphone and an entity, wherein the entity is not the living organism;

selectively communicating using a first air interface of a plurality of air interfaces with which the smartphone is capable of communicating, responsive to the proximity criterion having been detected as being satisfied and responsive to a value of the physiological data associated with a living organism that was sensed by the smartphone using the smartphone-based sensor; **[[**and**]]**

refraining from communicating using the first air interface absent said value of the physiological data associated with a living organism that was sensed by the smartphone using the smartphone-based sensor satisfying a criterion, even though the proximity criterion is detected as being satisfied;

selectively sending information to one or more other devices and receiving information from the one or more other devices responsive to said value of the

physiological data associated with a living organism that was sensed by the smartphone using the smartphone-based sensor satisfying the criterion; and

communicating using a second air interface of the plurality of air interfaces with which the smartphone is capable of communicating that differs from the first air interface.

Allowable Subject Matter

7. **Claims 1-2, 26, 29** are allowed.

8. The following is an examiner's statement of reasons for allowance:

With respect to claims 1, and 26, according to applicant remarks or arguments filed on 04/06/2016, and further examiner's amendment attached hereto.

Dependent claims 2 and 29 are allowable for the same reason as set forth above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael T. Vu whose telephone number is (571) 272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles N. Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/MICHAEL T VU/
Primary Examiner, Art Unit 2641

Examiner-Initiated Interview Summary	Application No.	Applicant(s)	
	12/264,711	KARABINIS ET AL.	
	Examiner	Art Unit	
	MICHAEL T. VU	2641	

All participants (applicant, applicant's representative, PTO personnel):

(1) *MICHAEL T. VU*. (3)_____.

(2) *Mitchell S. Bigel* . (4)_____.

Date of Interview: *10 June 2016*.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☒ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☐ No.
If Yes, brief description: _____.

Issues Discussed ☐101 ☐112 ☐102 ☐103 ☒Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: *1, 3, 26, and 30*.

Identification of prior art discussed: _____.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Applicant's representative authorized entry of an Examiner's Amendment to incorporate the change of independent claims 1, 26, and cancel claims 3, 30, in order to expedite prosecution of the application in condition for allowance.

Applicant recordation instructions: It is not necessary for applicant to provide a separate record of the substance of interview.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/MICHAEL T VU/ Primary Examiner, Art Unit 2641	

IPR2025-01239
Apple EX1044 Page 503

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	**Art Unit**
	MICHAEL T VU	2641

CPC							
Symbol						**Type**	**Version**
H04W		4	/	02		F	2013-01-01
G06Q		30	/	0601		I	2013-01-01
H04W		4	/	023		I	2013-01-01
H04L		67	/	18		I	2013-01-01
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			/				
			/				

CPC Combination Sets							
Symbol					**Type**	**Set**	**Ranking**	**Version**
			/					
			/					

NONE		**Total Claims Allowed:**	
(Assistant Examiner)	(Date)	4	
/MICHAEL T VU/ Primary Examiner.Art Unit 2641	06/10/2016	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	**Art Unit**
	MICHAEL T VU	2641

US ORIGINAL CLASSIFICATION		INTERNATIONAL CLASSIFICATION										
CLASS	SUBCLASS	CLAIMED					NON-CLAIMED					
455	456.1	H	0	4	W	64 / 00 (2009.01.01)						

CROSS REFERENCE(S)					
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)				
455	456.2	456.3	456.4	456.5	456.6

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	4	
/MICHAEL T VU/ Primary Examiner.Art Unit 2641	06/10/2016	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	**Art Unit**
	MICHAEL T VU	2641

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

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	1		17		33		49								
2	2		18		34		50								
	3		19		35		51								
	4		20		36		52								
	5		21		37		53								
	6		22		38		54								
	7		23		39		55								
	8		24		40		56								
	9		25		41		57								
	10	3	26		42		58								
	11		27		43		59								
	12		28		44		60								
	13	4	29		45										
	14		30		46										
	15		31		47										
	16		32		48										

NONE		**Total Claims Allowed:**	
(Assistant Examiner)	(Date)	4	
/MICHAEL T VU/ Primary Examiner.Art Unit 2641	06/10/2016	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

IPR2025-01239
Apple EX1044 Page 506

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	12/264,711
				Filing Date	11-04-2008
				First Named Inventor	Peter D. Karabinis
				Art Unit	2641
				Examiner Name	Michael T. Vu
Sheet	1	of	1	Attorney Docket Number	9466-24

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	Document Number Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	US- 8,646,060 B1	02-04-2014	Ben Ayed	
	2.	US- 2013/0156218 A1	06-20-2013	Annacone et al.	
	3.	US- 2012/0214443 A1	08-23-2012	Daigle	
	4.	US- 2011/0314539 A1	12-22-2011	Horton	
	5.	US- 2010/0265845 A1	10-21-2010	Lampén	
	6.	US- 2010/0067591 A1	03-18-2010	Luo et al.	
	7.	US- 2009/0213947 A1	08-27-2009	Rao et al.	
	8.	US- 2009/0153367 A1	06-18-2009	Lee	
	9.	US- 7,539,241 B1	05-26-2009	Dick	
	10.	US- 2009/0113543 A1	04-30-2009	Adams et al.	
	11.	US- 2007/0184837 A1	08-09-2007	Hohl et al.	
	12.	US- 2006/0159260 A1	07-20-2006	Pereira et al.	
	13.	US- 2004/0170430 A1	09-02-2004	Gorokhov	
	14.	US- 2006/0133633 A1	06-22-2002	Hyvonen et al.	
		US-			
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		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document Country Code, Number, Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T

Examiner Signature	/Michael Vu/	Date Considered	06/02/2016

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /MTV/

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	0	(smart adj2 (device phone)) and (physiological adj2 data) and (living adj organism) and (proxim$4 sens$3) with entity and (first adj air adj interface) and respon$5 with value near6 (physiological adj2 data) and (second adj air adj interface).clm.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2016/06/10 10:42
L2	175	(sens$4 proxim$4) same (physiological adj5 data) and (liv$3 adj2 organism)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2016/06/10 10:43
L3	8	(sens$4 proxim$4) same (physiological adj5 data) same (liv$3 adj2 organism)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2016/06/10 10:43
L4	15	(sens$4 proxim$4) same (physiological adj5 data) and (liv$3 adj2 organism) and (air adj3 interfac$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2016/06/10 10:44
L5	396983	455/$.ccls. 705/$.ccls. 709/$.ccls. 379/$.ccls. 370/$.ccls.	USPAT	OR	OFF	2016/06/10 10:46
L6	3	2 and 5	USPAT	OR	OFF	2016/06/10 10:46
L7	157	("20010011222" | "20010023315" | "20010044809" | "20010052012" | "20020010797" | "20020013518" | "20020023172" | "20020037035" | "20020072933" | "20020099854" | "20020128862" | "20020143824" | "20020151771" | "20020184070" | "20020184384" | "20030004403" | "20030037043" | "20030074248" | "20030093459" | "20030177035" | "20030212982" | "20030233250" | "20040030763" | "20040044545" | "20040049522" | "20040088374" | "20040122708" | "20040143677" | "20040172442" | "20040176983" | "20040215830" | "20050038326" | "20050054921" | "20050071316" | "20050071324" | "20050071486" | "20050091358" | "20050125778" | "20050154855" | "20050165947" | "20050198364" | "20050204022" | "20050222896" |	US-PGPUB; USPAT; USOCR	OR	OFF	2016/06/10 10:46

IPR2025-01239
Apple EX1044 Page 508

		"20060017563" | "20060052945" | "20060069605" | "20060080338" | "20060085336" | "20060085450" | "20060089541" | "20060101109" | "20060111936" | "20060129435" | "20060168513" | "20060178841" | "20060178914" | "20060200259" | "20060253259" | "20070016563" | "20070027670" | "20070061393" | "20070073872" | "20070094548" | "20070156726" | "20070208865" | "20080052384" | "20080082683" | "20080133699" | "20080134133" | "20080140770" | "20080191866" | "20090037514" | "20100005448" | "20110022748" | "20110179405" | "20110202824" | "20120203873" | "5261080" | "5307262" | "5446880" | "5517622" | "5664126" | "5708828" | "5710908" | "5721895" | "5724580" | "5734907" | "5857195" | "5892925" | "5999979" | "6026392" | "6050940" | "6130917" | "6190313" | "6193654" | "6226620" | "6249668" | "6250309").PN. OR ("6275869" | "6330572" | "6332163" | "6375614" | "6400286" | "6438594" | "6496851" | "6584445" | "6616606" | "6625617" | "6633833" | "6644322" | "6651104" | "6665725" | "6669631" | "6697103" | "6721286" | "6763353" | "6766361" | "6779004" | "6792431" | "6801331" | "6820135" | "6839717" | "6848108" | "6875174" | "6915312" | "6940807" | "6942616" | "6951539" | "6970844" | "6978422" | "6993536" | "7016963" | "7054924" | "7065579" | "7124299" | "7136927" | "7181508" | "7200671" | "7321861" | "7340500" | "7360154" | "7389474" | "7392255" | "7408932" | "7542958" | "7653227" | "7668737" | "7725606" | "7761862" | "7783637" | "7788648" | "7859401" | "7966078" | "8024128" | "8079953" | "8370078").PN.				
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L11	62	(mobile cellular cell pda phone iphone ipad portable) same switch$4 same ((short adj range) RFID) same POS	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2016/06/10 10:48
L12	36	11 AND ((H04W12/06 OR H04W88/02 OR H04W88/00 OR H04W52/0254 OR H04W52/0274 OR H04W74/00 OR H04W48/18 OR H04W4/008 OR H04W88/10 OR H04W12/08 OR H04W48/02 OR H04W48/08 OR H04W48/16 OR H04W48/20 OR H04W4/02 OR H04W4/023 OR H04W4/027 OR H04W4/046 OR	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2016/06/10 10:48

		H04W64/006 OR H04W68/02 OR H04W84/045 OR H04W88/08 OR H04W8/20 OR H04W8/22).CPC.)				
L13	30	11 AND ((H04M1/0274 OR H04M1/72575 OR H04M17/103 OR H04M17/106 OR H04M2017/12 OR H04M2017/14 OR H04M15/77 OR H04M15/774 OR H04M2215/7254 OR H04M2215/7272 OR H04M15/68 OR H04M17/02 OR H04M2215/0196 OR H04M2250/04 OR H04M1/0254 OR H04M1/72527 OR H04M1/7253 OR H04M2250/02).CPC.)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2016/06/10 10:48
L14	5	("5955961" | "6764005" | "6769607" | "7558110" | "8313037").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/06/10 10:49
L15	14	11 AND ((G06F21/34 OR G06F1/1698 OR G06F1/3209 OR G06F1/329 OR G06F9/5094).CPC.)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/06/10 10:49
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IPR2025-01239
Apple EX1044 Page 510

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L21	5	(detect$3 sens$4) same (first adj2 air adj2 interface) same (second adj2 air adj2 interface) same (mobile pda cell cellular portable phone device iphone ipad) same (entity position location)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2016/06/10 10:53
L22	4	("20090017826" | "20100215021" | "20130080612" | "8238311").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/06/10 10:53
L23	0	("7295846").URPN.	USPAT	OR	OFF	2016/06/10 10:53
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L27	51	(phone mobile cell cellular pda ipad iphone) same ((short adj2 range) RFID Bluetooth) same (entity build$4 shopp$4 terminal POS) same (first adj air interface) and (second adj air adj interface)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2016/06/10 10:56
L28	47	27 AND ((H04W88/06 OR H04W36/14 OR H04W36/22 OR H04W36/38 OR H04W8/245 OR H04W16/14 OR H04W52/0238 OR H04W52/243 OR H04W36/30 OR H04W28/18 OR H04W36/0022 OR H04W36/18 OR H04W48/18 OR H04W4/02 OR H04W76/025 OR H04W84/18 OR H04W88/04 OR H04W12/06 OR H04W12/08 OR H04W16/26 OR H04W36/00 OR H04W36/0005 OR H04W36/0016 OR H04W36/0088 OR H04W48/02 OR H04W48/10 OR H04W4/00 OR H04W4/26 OR H04W52/0225 OR H04W76/02 OR H04W76/023 OR H04W76/043 OR H04W76/048 OR H04W80/04 OR H04W88/021 OR H04W88/08 OR H04W88/10).CPC.)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2016/06/10 10:56
L29	17	("20020059432" | "20020087674" | "20050090277" | "20050097165" | "20060083199" | "20070015535" | "20070015536" | "20070147399" | "20080037473" | "20080123661" | "20110317667" | "20120317194" | "20130007126" | "7613171" | "7991399" | "8023497" | "8037188").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/06/10 10:57
L30	12	("20030125968" | "20070109956" | "20070179974" | "20110225281" | "20110291882" | "20130029710" | "20130107702" | "20140115654" | "20140169375" | "20140233479" | "20150036687" | "7215942").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/06/10 10:57
L31	11	("20030191826" | "20080220869" | "20110149853" | "20110149908" | "20110195713" | "20110270973" | "20120270551" | "20140010202" | "20140348029" | "20140355428" | "8391858").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/06/10 10:57
L32	19	("20020068570" | "20030119489" | "20040008645" | "20040052238" | "20040082330" | "20040087307" | "20040137902" | "20040218566" | "20050053034" | "20050130660" | "20050227691" | "20050266845" | "20060203776" | "5659598" | "6424638" | "6768726" | "6909899" | "6950657" | "7299046").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/06/10 10:57
L33	9	("20050169227" | "20060104228" | "20060205406" | "20070232330" | "20110090880" | "6477162" | "7738427" | "7933602" | "8005061").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/06/10 10:57
L34	26	27 AND ((G06Q20/04 OR G06Q20/32 OR G06Q20/325 OR G06Q20/327 OR G06Q20/102 OR G06Q20/20 OR G06Q20/3223 OR G06Q20/3255 OR	US-PGPUB; USPAT; USOCR	OR	OFF	2016/06/10 10:57

		G06Q20/341 OR G06Q20/382 OR G06Q20/385 OR G06Q30/04).CPC.)				
L35	31	27 AND ((H04L63/0272 OR H04L63/08 OR H04L45/22 OR H04L45/24 OR H04L45/28 OR H04L45/302 OR H04L67/12 OR H04L69/24 OR H04L63/18 OR H04L65/4084 OR H04L67/04 OR H04L67/104 OR H04L67/1091 OR H04L67/1093 OR H04L67/24 OR H04L69/08).CPC.)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/06/10 10:58
L36	17	("20020059432" | "20020087674" | "20050090277" | "20050097165" | "20060083199" | "20070015535" | "20070015536" | "20070147399" | "20080037473" | "20080123661" | "20110317667" | "20120317194" | "20130007126" | "7613171" | "7991399" | "8023497" | "8037188").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/06/10 10:58
L37	64	(phone mobile cell cellular pda ipad iphone) same (proximit$3 (short adj2 range) RFID Bluetooth) same (entity build$4 shopp$4 terminal POS) and (first adj air interface) and (second adj air adj interface)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2016/06/10 11:01
L38	46	("20010005682" | "20010005840" | "20010034707" | "20020017561" | "20020029342" | "20020045457" | "20020052192" | "20020083000" | "20020107745" | "20020123967" | "20020132585" | "20020147913" | "20020153424" | "20020169001" | "20040004117" | "20040049454" | "20040064406" | "20040072592" | "20040117302" | "20040169637" | "20050033994" | "20050086171" | "20050087603" | "20050113070" | "20050127167" | "20050278222" | "20060003776" | "20060019678" | "20060025110" | "20060035624" | "20060043172" | "20060080232" | "20060091200" | "20060122902" | "20070152035" | "20070189532" | "20070203792" | "20070228160" | "20070235519" | "20070278291" | "20080046366" | "5682417" | "6729550" | "6957339" | "7069001" | "7341182").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/06/10 11:02
L39	9	("20050169227" | "20060104228" | "20060205406" | "20070232330" | "20110090880" | "6477162" | "7738427" | "7933602" | "8005061").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/06/10 11:02
L40	19	("20020068570" | "20030119489" | "20040008645" | "20040052238" | "20040082330" | "20040087307" | "20040137902" | "20040218566" | "20050053034" | "20050130660" | "20050227691" | "20050266845" | "20060203776" | "5659598" | "6424638" | "6768726" | "6909899" | "6950657" | "7299046").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/06/10 11:02
L41	4	("20100009675" | "20100279672" | "20130184024" | "20130308598").PN.	US-PGPUB;	OR	OFF	2016/06/10 11:02

IPR2025-01239
Apple EX1044 Page 513

			USPAT; USOCR			
L42	11	("20030191826" | "20080220869" | "20110149853" | "20110149908" | "20110195713" | "20110270973" | "20120270551" | "20140010202" | "20140348029" | "20140355428" | "8391858").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/06/10 11:02
L43	12	("20030125968" | "20070109956" | "20070179974" | "20110225281" | "20110291882" | "20130029710" | "20130107702" | "20140115654" | "20140169375" | "20140233479" | "20150036687" | "7215942").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/06/10 11:02
L44	17	("20020059432" | "20020087674" | "20050090277" | "20050097165" | "20060083199" | "20070015535" | "20070015536" | "20070147399" | "20080037473" | "20080123661" | "20110317667" | "20120317194" | "20130007126" | "7613171" | "7991399" | "8023497" | "8037188").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/06/10 11:02

6/ 10/ 2016 11:03:09 AM
C:\ Users\ mvu1\ Documents\ EAST\ Workspaces\ 12264711_Pay_Toll.wsp

IPR2025-01239
Apple EX1044 Page 514

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12264711	KARABINIS ET AL.
	Examiner	Art Unit
	MICHAEL VU	2641

CPC- SEARCHED		
Symbol	Date	Examiner
H04W 64/00	6/10/2016	MTV

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner
H04W 64/00, H04W 4/02, H04W 48/04	6/10/2016	MTV
H04W12/06 OR H04W88/02 OR H04W88/00 OR H04W52/0254 OR H04W52/0274 OR H04W74/00 OR H04W48/18 OR H04W4/008 OR H04W88/10 OR H04W12/08 OR H04W48/02 OR H04W48/08 OR H04W48/16 OR H04W48/20 OR H04W4/02	6/10/2016	

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
455	456.1-456.5, 426.1,	6/10/2016	MTV
	See Searched History	6/10/2016	MTV

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor Name: Karabinis Peter	6/10/2016	MTV
Assignee: Telcom Ventures, Inc.	6/10/2016	MTV
Double Patent Checked	6/10/2016	MTV
Update EAST Search System	6/10/2016	MTV

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
Interference	Text Searched	6/10/2016	MTV

	/MICHAEL T VU/ Primary Examiner.Art Unit 2641

IPR2025-01239
Apple EX1044 Page 515

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

20792 7590 06/23/2016
MYERS BIGEL & SIBLEY, P.A.
PO BOX 37428
RALEIGH, NC 27627

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/264,711	11/04/2008	PETER D. KARABINIS	9466-24	1684

TITLE OF INVENTION: MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$480	$0	$0	$480	09/23/2016

EXAMINER	ART UNIT	CLASS-SUBCLASS
VU, MICHAEL T	2641	455-456100

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Myers Bigel & Sibley, P.A.
2
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE: Telcom Ventures, LLC

(B) RESIDENCE: (CITY and STATE OR COUNTRY): Miami, Florida

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:
- ☒ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
- ☐ A check is enclosed.
- ☒ Payment by credit card. Form PTO-2038 is attached.
- ☒ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number 50-0220 (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
- ☐ Applicant certifying micro entity status. See 37 CFR 1.29
- ☐ Applicant asserting small entity status. See 37 CFR 1.27
- ☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____ Date 08-30-2016

Typed or printed name Mitchell S. Bigel Registration No. 29,614

PTOL-85 Part B (10-13) Approved for use through 10/31/2013. OMB 0651-0033 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

IPR2025-01239
Apple EX1044 Page 516

Electronic Patent Application Fee Transmittal

Application Number:	12264711
Filing Date:	04-Nov-2008
Title of Invention:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION
First Named Inventor/Applicant Name:	PETER D. KARABINIS
Filer:	Mitchell S. Bigel/Susan E. Freedman
Attorney Docket Number:	9466-24

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:				
Utility Appl Issue Fee	2501	1	480	480

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**480**

Electronic Acknowledgement Receipt

EFS ID:	26791817
Application Number:	12264711
International Application Number:	
Confirmation Number:	1684
Title of Invention:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION
First Named Inventor/Applicant Name:	PETER D. KARABINIS
Customer Number:	20792
Filer:	Mitchell S. Bigel/Susan E. Freedman
Filer Authorized By:	Mitchell S. Bigel
Attorney Docket Number:	9466-24
Receipt Date:	30-AUG-2016
Filing Date:	04-NOV-2008
Time Stamp:	17:34:33
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$480
RAM confirmation Number	083116INTEFSW17345600
Deposit Account	4330
Authorized User	Susan Freedman

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	9466-24_2016-08-30_Issue_Fee_Transmittal.pdf	137411 56df0b871adcfc54772275a256b04032a1c665a5	no	1
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30725 28943e68312030afbd55bb63e20e5eb275cd4543	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	168136		

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

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

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/264,711	10/04/2016	9462411	9466-24	1684

20792 7590 09/14/2016

MYERS BIGEL & SIBLEY, P.A.
PO BOX 37428
RALEIGH, NC 27627

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment is 1254 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site http://pair.uspto.gov for additional applicants):

PETER D. KARABINIS, Reston, VA;
Rajendra Singh, Indian Creek Village, FL;

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

PTO/SB/80 (11-08)
Approved for use through 11/30/2020. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☑ Practitioners associated with the Customer Number: 138517

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

☑ The address associated with Customer Number: 138517

OR

☐ Firm or Individual Name			
Address			
City		State	Zip
Country			
Telephone		Email	

Assignee Name and Address:

Telcom Ventures LLC
200 South Biscayne Blvd, Suite 2790
Miami, FL 33131

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	6-25-2019
Name	Serge G. Martin	Telephone	786-708-8515
Title	Executive Vice President - Telcom Ventures LLC		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. 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 3 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.

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 disclosure of these records is required by the Freedom of Information Act.
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 inspection 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.

PTO/SB/96 (11-18)
Approved for use through 11/30/2020. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Telcom Ventures LLC

Application No./Patent No.: 9,462,411 Filed/Issue Date: Oct. 4, 2016

Titled:
MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION

Telcom Ventures LLC, a Limited Liability Company

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;

2. ☐ an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or

3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 021783, Frame 0946, or a copy* is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel_____, Frame_____, or a copy* is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel_____, Frame_____, or a copy* is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel_____, Frame_____, or a copy* is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☒ *As required by 37 CFR 3.73(b)(1)(i), if a copy/copies is/are attached, the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (*i.e.*, a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/Aaron W. Pederson/ June 25, 2019
Signature Date

Aaron W. Pederson Reg. No. 58,607
Printed or Typed Name Title or Registration Number

This collection of information is required by 37 CFR 3.73(b). 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. 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 disclosure of these records is required by the Freedom of Information Act.
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 inspection 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.

Electronic Acknowledgement Receipt

EFS ID:	36403365
Application Number:	12264711
International Application Number:	
Confirmation Number:	1684
Title of Invention:	MOBILE DEVICE MODE ENABLEMENT RESPONSIVE TO A PROXIMITY CRITERION
First Named Inventor/Applicant Name:	PETER D. KARABINIS
Customer Number:	20792
Filer:	Aaron Wesley Pederson
Filer Authorized By:	
Attorney Docket Number:	9466-24
Receipt Date:	25-JUN-2019
Filing Date:	04-NOV-2008
Time Stamp:	14:20:02
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	TLV-Pre_AIA_POA_SIGNED.pdf	132952 0f264012942f7104e895a09c78989048df66383c	no	2

Warnings:

Information:					
2	Assignee showing of ownership per 37 CFR 3.73	3-37b_SIGNED.pdf	168047 c914c81f748471a9d60a4f9585b700bc8525d495	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	300999		

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

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/264,711	11/04/2008	PETER D. KARABINIS	9466-24

CONFIRMATION NO. 1684

138517
Carlson, Caspers, Vandenburgh & Lindquist, P.A.
225 S. Sixth St.
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Minneapolis, MN 55402

POA ACCEPTANCE LETTER

OC000000109289024

Date Mailed: 07/02/2019

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/25/2019.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at **(571) 272-4000** or **(571) 272-4200** or **1-888-786-0101**.

/nbekele/

IPR2025-01239
Apple EX1044 Page 528

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/264,711	11/04/2008	PETER D. KARABINIS	9466-24

CONFIRMATION NO. 1684

POWER OF ATTORNEY NOTICE

20792
MYERS BIGEL, P.A.
PO BOX 37428
RALEIGH, NC 27627

OC000000109289020

Date Mailed: 07/02/2019

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/25/2019.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at **(571) 272-4000** or **(571) 272-4200** or **1-888-786-0101**.

/nbekele/

IPR2025-01239
Apple EX1044 Page 529