



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.
14/738,176	06/12/2015	Carlos A. Pérez LaFuente	122358-387198	5754
26694	7590	08/19/2015		
VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998			EXAMINER CHANG, JEAN	
			ART UNIT 2643	PAPER NUMBER
			NOTIFICATION DATE 08/19/2015	DELIVERY MODE 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):

PTOMail@Venable.com
lahill@venable.com
ksfeatherston@venable.com

Office Action Summary	Application No. 14/738,176	Applicant(s) PÉREZ LAFUENTE, CARLOS A.	
	Examiner JEAN CHANG	Art Unit 2643	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 6/12/2015.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.

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

3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.

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

Disposition of Claims*

5) ☒ Claim(s) 1-4 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) 1-4 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.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Double Patenting

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

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

The USPTO internet Web site contains terminal disclaimer forms which may be used. Please visit <http://www.uspto.gov/forms/>. The filing date of the application will determine what form should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to <http://www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp>.

3. Claims 1-2 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1 and 4 of U.S. Patent Application 14/743,237.

Although the claims at issue are not identical, as summarized in the Table below, claims 1 and 2 of the instant application are anticipated by claims 1 and 4 of Patent Application 14/743,237.

Application No. 14/743,237 Claims	Instant Application No. 14/738,176 Claims
--------------------------------------	--

1.	A method associated with a provider of presence related services in connection with the use of a mobile station and at least a first radio communication defining device that transmits a first distinctive defining signal, the first distinctive defining signal at least partly defines a special area by its coverage, the method comprising: electronically storing in one or more memories data capable of linking the mobile station to the special area, the data including a checking data of the first radio communication defining device and an identifier related to the mobile station, receiving from the mobile station via the mobile telephone network an updating signal uncorrelated to any mobile station phone call establishment that identifies the mobile station's presence in the special area, deriving from the updating signal by one or more processing devices having access to at least a portion of the data whether or not the mobile station is present in the special area; and enabling or disabling by use of the one or more processing devices a presence related service based upon the mobile station's presence or non-presence in the special area. (see claim 4)	1.	A method associated with the use of a mobile station that processes a defining signal to determine if the received defining signal is a distinctive defining signal, the distinctive defining signal at least partly defines a special area by its coverage, the method comprising: one or more servers of a provider of presence related services receiving from the mobile station via a mobile telephone network an updating signal uncorrelated to any mobile station phone call establishment that identifies the mobile station's presence in the special area; and sending from the one or more servers to the mobile station a deactivation signal that is configured to cause the mobile station to stop recognizing the defining signal as a distinctive defining signal.
4.	The method according to claim 1, wherein the enabling or disabling of the presence related service includes transmitting via the mobile telephone network a signal to the mobile station that is capable of being used to enable or disable one or more related functions in the mobile station.	2.	The method according to claim 1, wherein the deactivation signal is sent from the one or more servers to the mobile station via the mobile telephone network.

4. Claims 1-4 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1 and 2 of U.S. Patent No. 8,738,040. Although the claims at issue are not identical, as summarized in the Table below, claims 1-4 of the instant application are anticipated by claims 1 and 2 of U.S. Patent No. 8,738,040.

Instant Application No. 14/738,176 Claims		Patent No. 8,738,040 Claims	
1.	A method associated with the use of a mobile station that processes a defining signal to determine if the received defining signal is a distinctive defining signal, the distinctive defining signal at least partly defines a	1.	A method for monitoring the presence of a mobile station in one or more special areas associated with the mobile station, the method comprising:

	special area by its coverage, the method comprising: one or more servers of a provider of presence related services receiving from the mobile station via a mobile telephone network an updating signal uncorrelated to any mobile station phone call establishment that identifies the mobile station's presence in the special area; and sending from the one or more servers to the mobile station a deactivation signal that is configured to cause the mobile station to stop recognizing the defining signal as a distinctive defining signal.	(a) repeatedly transmitting from at least one radio communication defining device a radio distinctive defining signal in at least one channel that at least partially defines one of the special areas by its coverage, (b) observing the channel and processing any received signal by the mobile station in order to determine whether or not it is receiving a defining signal, (c) processing any received defining signal by the mobile station and the mobile station determines whether or not the defining signal received is a distinctive defining signal that at least partially defines one of the special areas, and determines whether or not the mobile station is present in one or more of the special areas, (d) sending an updating signal from the mobile station to a mobile telephone network about the mobile station presence in one or more of the special areas, where the updating signal sending is uncorrelated to any mobile station phone call establishment and is based on the last determination performed by the mobile station about its presence in each of the special areas, and said updating signal being sent at least one of (i) periodically, (ii) when the mobile station enters into or exits from one of the special areas, and (iii) when the mobile station remains into a special area, (e) routing the updating signal from the mobile telephone network to special operating means that adapt the value of at least one operating parameter taking into account the presence of the mobile station in each of the special areas, (f) associating the special areas with the mobile station by transmitting a checking data to the mobile station, this checking data being sent to any mobile station whose presence in the special areas is monitored and being used by the mobile station for determining whether or not the defining signal received is a distinctive defining signal that defines, alone or with other distinctive defining signals, one or more of the special areas associated with the mobile station. (see claim 2)
2.	The method according to claim 1, wherein the deactivation signal is sent from the one or more servers to the mobile station via the mobile telephone network.	2. The method according to claim 1 further comprising, sending a deactivation signal from the mobile telephone network to the mobile station to stop the mobile station from recognizing a defining signal that defines the special area as a distinctive one in order to deactivate that special area for the mobile station.
3.	A method associated with the use of a mobile station that stores in a memory checking data and uses the checking data to determine whether or not a defining signal received from a radio communication defining device is a distinctive defining signal, the distinctive defining signal at least partly defines a special area by	1. A method for monitoring the presence of a mobile station in one or more special areas associated with the mobile station, the method comprising:

	its coverage, the method comprising: one or more servers of a provider of presence related services receiving from the mobile station via a mobile telephone network an updating signal uncorrelated to any mobile station phone call establishment that identifies the mobile station's presence in the special area; and sending from the one or more servers to the mobile station a signal designated to cause the mobile station to erase at least a portion of the checking data from the memory.		(a) repeatedly transmitting from at least one radio communication defining device a radio distinctive defining signal in at least one channel that at least partially defines one of the special areas by its coverage, (b) observing the channel and processing any received signal by the mobile station in order to determine whether or not it is receiving a defining signal, (c) processing any received defining signal by the mobile station and the mobile station determines whether or not the defining signal received is a distinctive defining signal that at least partially defines one of the special areas, and determines whether or not the mobile station is present in one or more of the special areas, (d) sending an updating signal from the mobile station to a mobile telephone network about the mobile station presence in one or more of the special areas, where the updating signal sending is uncorrelated to any mobile station phone call establishment and is based on the last determination performed by the mobile station about its presence in each of the special areas, and said updating signal being sent at least one of (i) periodically, (ii) when the mobile station enters into or exits from one of the special areas, and (iii) when the mobile station remains into a special area, (e) routing the updating signal from the mobile telephone network to special operating means that adapt the value of at least one operating parameter taking into account the presence of the mobile station in each of the special areas, (f) associating the special areas with the mobile station by transmitting a checking data to the mobile station, this checking data being sent to any mobile station whose presence in the special areas is monitored and being used by the mobile station for determining whether or not the defining signal received is a distinctive defining signal that defines, alone or with other distinctive defining signals, one or more of the special areas associated with the mobile station. (see claim 2)
4.	A method associated with the use of a mobile station that stores in a memory checking data and uses the checking data to determine whether or not a defining signal received from a radio communication defining device is a distinctive defining signal, the distinctive defining signal at least partly defines a special area by its coverage, the method comprising:	1.	A method for monitoring the presence of a mobile station in one or more special areas associated with the mobile station, the method comprising:

	one or more servers of a provider of presence related services receiving from the mobile station via a mobile telephone network an updating signal uncorrelated to any mobile station phone call establishment that identifies the mobile station's presence in the special area; and sending from the one or more servers to the mobile station a signal designated to cause the mobile station to block the use of at least a portion of the checking data in the memory.	(a) repeatedly transmitting from at least one radio communication defining device a radio distinctive defining signal in at least one channel that at least partially defines one of the special areas by its coverage, (b) observing the channel and processing any received signal by the mobile station in order to determine whether or not it is receiving a defining signal, (c) processing any received defining signal by the mobile station and the mobile station determines whether or not the defining signal received is a distinctive defining signal that at least partially defines one of the special areas, and determines whether or not the mobile station is present in one or more of the special areas, (d) sending an updating signal from the mobile station to a mobile telephone network about the mobile station presence in one or more of the special areas, where the updating signal sending is uncorrelated to any mobile station phone call establishment and is based on the last determination performed by the mobile station about its presence in each of the special areas, and said updating signal being sent at least one of (i) periodically, (ii) when the mobile station enters into or exits from one of the special areas, and (iii) when the mobile station remains into a special area, (e) routing the updating signal from the mobile telephone network to special operating means that adapt the value of at least one operating parameter taking into account the presence of the mobile station in each of the special areas, (f) associating the special areas with the mobile station by transmitting a checking data to the mobile station, this checking data being sent to any mobile station whose presence in the special areas is monitored and being used by the mobile station for determining whether or not the defining signal received is a distinctive defining signal that defines, alone or with other distinctive defining signals, one or more of the special areas associated with the mobile station. (see claim 2)
--	---	---

5. Claims 1-4 are rejected on the ground of nonstatutory double patenting as being unpatentable over U.S. Patent No. 9,042,910 in view of Patent No. 8,738,040.

Although the claims at issue are not identical, as summarized in the Table below,

claims 1 and 2 of the instant application are anticipated by claims 1 and 4 of U.S.

Patent No. 9,042,910. Claim 2 of Patent No. 8,738,040 further teaches “sending a deactivation signal from the mobile telephone network to the mobile station to stop the mobile station from recognizing a defining signal that defines the special area as a distinctive one in order to deactivate that special area for the mobile station”.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of the claim 2 of Patent No. 8,738,040 into the claim 1 of Patent No. 9,042,910 to arrive at the subject matter of claim 1 of the instant application, so that the service provider may control the presence related service based on mobile station's presence or non-presence in a special area. Claim 3 and Claim 4 of the instant application are obvious variation of claim 1, with respect to various possible implementation of stop a mobile station from recognizing the defining signal as a distinctive defining signal.

Instant Application No. 14/738,176 Claims		Patent No. 9,042,910 Claims	
1.	A method associated with the use of a mobile station that processes a defining signal to determine if the received defining signal is a distinctive defining signal, the distinctive defining signal at least partly defines a special area by its coverage, the method comprising: one or more servers of a provider of presence related services receiving from the mobile station via a mobile telephone network an updating signal uncorrelated to any mobile station phone call establishment that	1.	A method associated with the use of a mobile station and at least first and second radio communication defining devices that respectively transmit first and second distinctive defining signals that at least partly define a special area by a sum or intersection of their coverage, the first and second distinctive defining signals respectively including first and second data, the method comprising: determining in the mobile station if the mobile station is receiving one or both of the first and second distinctive defining signals and determining in the mobile station, based on a previously obtained at least portion of one or both of the first and second data, whether or not the mobile station is present in the special area; and sending from the mobile station via a mobile telephone network an updating signal to one or more servers of a provider of presence related services about the mobile station's presence in the special area, the sending of the updating signal being uncorrelated to any mobile station

	identifies the mobile station's presence in the special area; and sending from the one or more servers to the mobile station a deactivation signal that is configured to cause the mobile station to stop recognizing the defining signal as a distinctive defining signal.		phone call establishment, the updating signal being sent at least one of (i) periodically, (ii) at times recent to when the mobile station enters into or exists from the special area, and (iii) when the mobile station remains in the special area. (see claim 4)
2.	The method according to claim 1, wherein the deactivation signal is sent from the one or more servers to the mobile station via the mobile telephone network.	4.	The method according to claim 1, wherein the mobile station enables or disables one or more functions related to a presence related service upon receiving enabling or disabling instructions from the provider of presence related services.
3.	A method associated with the use of a mobile station that stores in a memory checking data and uses the checking data to determine whether or not a defining signal received from a radio communication defining device is a distinctive defining signal, the distinctive defining signal at least partly defines a special area by its coverage, the method comprising: one or more servers of a provider of presence related services receiving from the mobile station via a mobile telephone network an updating signal uncorrelated to any mobile station phone call establishment that identifies the mobile station's presence in the special area; and sending from the one or more servers to the mobile station a signal designated to cause the mobile station to erase at least a portion of the checking data from the memory.	1.	A method associated with the use of a mobile station and at least first and second radio communication defining devices that respectively transmit first and second distinctive defining signals that at least partly define a special area by a sum or intersection of their coverage, the first and second distinctive defining signals respectively including first and second data, the method comprising: determining in the mobile station if the mobile station is receiving one or both of the first and second distinctive defining signals and determining in the mobile station, based on a previously obtained at least portion of one or both of the first and second data, whether or not the mobile station is present in the special area; and sending from the mobile station via a mobile telephone network an updating signal to one or more servers of a provider of presence related services about the mobile station's presence in the special area, the sending of the updating signal being uncorrelated to any mobile station phone call establishment, the updating signal being sent at least one of (i) periodically, (ii) at times recent to when the mobile station enters into or exists from the special area, and (iii) when the mobile station remains in the special area. (see claim 4)
4.	A method associated with the use of a mobile station that stores in a memory checking data and uses the checking data to determine whether or not a defining signal received from a radio communication defining device is a distinctive defining signal, the distinctive defining signal at least partly defines a special area by its coverage, the method comprising:	1.	A method associated with the use of a mobile station and at least first and second radio communication defining devices that respectively transmit first and second distinctive defining signals that at least partly define a special area by a sum or intersection of their coverage, the first and second distinctive defining signals respectively including first and second data, the method comprising: determining in the mobile station if the mobile station is receiving one or both of the first and second distinctive defining signals and determining in the mobile station, based on a previously obtained at least portion of one or both of the first and second data, whether or not the

	one or more servers of a provider of presence related services receiving from the mobile station via a mobile telephone network an updating signal uncorrelated to any mobile station phone call establishment that identifies the mobile station's presence in the special area; and sending from the one or more servers to the mobile station a signal designated to cause the mobile station to block the use of at least a portion of the checking data in the memory.	mobile station is present in the special area; and sending from the mobile station via a mobile telephone network an updating signal to one or more servers of a provider of presence related services about the mobile station's presence in the special area, the sending of the updating signal being uncorrelated to any mobile station phone call establishment, the updating signal being sent at least one of (i) periodically, (ii) at times recent to when the mobile station enters into or exists from the special area, and (iii) when the mobile station remains in the special area. (see claim 4)
--	---	---

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a):

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

The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: (*See MPEP Ch. 2141*)

- a. Determining the scope and contents of the prior art;
- b. Ascertaining the differences between the prior art and the claims in issue;
- c. Resolving the level of ordinary skill in the pertinent art; and
- d. Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.

6. Claims 1-2 are rejected under 35 U.S.C. 103 (a) as being unpatentable over

Atorf (US 2002/0094801) in view of Muhonen (US 6,920,317).

Claim 1.

Atorf teaches

A method associated with the use of a mobile station that processes a defining signal to determine if the received defining signal is a distinctive defining signal, the distinctive defining signal at least partly defines a special area by its coverage, the method comprising:

one or more servers of a provider of presence related services receiving from the mobile station via a mobile telephone network an updating signal uncorrelated to any mobile station phone call establishment that identifies the mobile station's presence in the special area (para. 0030, 0007).

Atorf does not disclose

sending from the one or more servers to the mobile station a deactivation signal that is configured to cause the mobile station to stop recognizing the defining signal as a distinctive defining signal.

In an analogous art, Muhonen teach

sending from the one or more servers to the mobile station (col. 5, lines 58-59, lines 66-67; col. 2, lines 25-42) a deactivation signal that is configured to cause the mobile station to stop recognizing the defining signal as a distinctive defining signal (col. 5, lines 37-46, LSA indication (a flag to activate/deactivate LSA indication)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Muhonen into the teaching of Atorf to configure the one or more servers to send to the mobile station a deactivation signal to cause the mobile station stop recognizing the defining signal as a distinctive defining signal, so that the service provider may control, enable or disable presence-related service based on mobile station's presence or non-presence in a special area.

Claim 2.

Atorf in combination with Muhonen teach

The method according to claim 1, wherein the deactivation signal is sent from the one or more servers to the mobile station via the mobile telephone network
(Muhonen, col. 5, lines 58-59, lines 66-67).

- 7. Claims 3-4 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Atorf (US 2002/0094801) in view of Muhonen (US 6,920,317) further in view of Jokimies et al. (US 6,526,267 B1).**

Claim 3.

Atorf teach

A method associated with the use of a mobile station that stores in a memory checking data and uses the checking data to determine whether or not a defining

signal received from a radio communication defining device is a distinctive defining signal, the distinctive defining signal at least partly defines a special area by its coverage, the method comprising:

one or more servers of a provider of presence related services receiving from the mobile station via a mobile telephone network an updating signal uncorrelated to any mobile station phone call establishment that identifies the mobile station's presence in the special area (para. 0030, 0007).

Atorf does not disclose

sending from the one or more servers to the mobile station a signal designated to cause the mobile station to erase at least a portion of the checking data from the memory.

In an analogous art, Muhonen teach

sending from the one or more servers to the mobile station (col. 5, lines 58-59, lines 66-67; col. 2, lines 25-42) a signal designated to cause the mobile station stop recognizing the defining signal as a distinctive defining signal (col. 5, lines 37-46, LSA indication (a flag to activate/deactivate LSA indication)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Muhonen into the teaching of Atorf to configure the one or more servers to send to the mobile station a

deactivation signal to cause the mobile station to stop recognizing the defining signal as a distinctive defining signal so that the network operator may control the subscriber's localized service (Muhonen (col. 5, lines 58-59)).

Although Muhonen does not elaborate on a signal designated to cause the mobile station *to erase at least a portion of the checking data from the memory*, however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to signal the mobile station to *erase at least a portion of the checking data from the memory* as one of a variety of deactivation mechanisms to cause the mobile station stop recognizing the defining signal as a distinctive defining signal. It is merely an implementation issue to one of ordinary skill in the art and can be done without exercising an inventive step.

Atorf in combination with Muhonen does not elaborate on *a mobile station that stores in a memory checking data and uses the checking data to determine whether or not a defining signal received from a radio communication defining device is a distinctive defining signal, the distinctive defining signal at least partly defines a special area by its coverage.*

In an analogous art, Jokimies et al. teach *a mobile station that stores in a memory checking data and uses the checking data to determine whether or not a defining signal received from a radio communication*

defining device is a distinctive defining signal, the distinctive defining signal at least partly defines a special area by its coverage (Abstract, col. 3, line 24 to col. 4, line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Jokimies et al. into the teaching of Atorf in combination with Muhonen to configure *a mobile station that stores in a memory checking data and uses the checking data to determine whether or not a defining signal received from a radio communication defining device is a distinctive defining signal, the distinctive defining signal at least partly defines a special area by its coverage*, so that the mobile station may determine whether it is in the coverage of a special area to take advantage of special tariff or request for location based service.

Claim 4.

The analysis of claim 3 is incorporated herein.

Claim 4, pertaining to *A method associated with the use of a mobile station that stores in a memory checking data and uses the checking data to determine whether or not a defining signal received from a radio communication defining device is a distinctive defining signal, the distinctive defining signal at least partly defines a special area by its coverage, the method comprising:*

one or more servers of a provider of presence related services receiving from the mobile station via a mobile telephone network an updating signal uncorrelated to any mobile station phone call establishment that identifies the mobile station's presence in the special area; and sending from the one or more servers to the mobile station a signal designated to cause the mobile station to block the use of at least a portion of the checking data in the memory,

which corresponds to the subject matter of claim 3, except sending from the one or more servers to the mobile station a signal designated *to cause the mobile station to block the use of at least a portion of the checking data in the memory.*

As analyzed in claim 3, Muhonen teach

sending from the one or more servers to the mobile station (col. 5, lines 58-59, lines 66-67; col. 2, lines 25-42) *a signal designated to cause the mobile station stop recognizing the defining signal as a distinctive defining signal* (col. 5, lines 37-46, LSA indication (a flag to activate/deactivate LSA indication)).

Although Muhonen does not elaborate on a signal designated to cause the mobile station *to block the use of at least a portion of the checking data in the memory,* however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to signal the mobile station to *block the use of at least a portion of the checking data in the memory,* as one of a variety of deactivation mechanisms to cause the mobile station stop recognizing the defining signal as a distinctive

defining signal. It is merely an implementation issue to one of ordinary skill in the art and can be done without exercising an inventive step.

Therefore, is rejected with the same rationale as analyzed in claim 3.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Chang whose telephone number is (571) 270-7979. The examiner can normally be reached on Mon-Thursday from 9:00-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Jinsong Hu can be reached on (571) 272-3965. 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).

/Jean Chang/

Examiner, Art Unit 2643

/JINSONG HU/
Supervisory Patent Examiner, Art Unit 2643

Application/Control Number: 14/738,176
Art Unit: 2643

Page 18