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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/613,636	11/06/2009	Baptiste P. Paquier	4860P8140	6734

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EXAMINER	
WENDELL, ANDREW	

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
04/03/2012	PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	12/613,636	PAQUIER ET AL.	
	Examiner	Art Unit	
	ANDREW WENDELL	2618	

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *06 February 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) *1-22* 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5a) Of the above claim(s) _____ is/are withdrawn from consideration.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) *1-22* 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: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. 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.

2. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolph et al. (US Pat Pub# 2008/0043996) in view of Gerson (US Pat# 6,868,385) and further in view of Thomas et al. (US Pat# 7,890,128).

Regarding claims 1, 8, and 16, Dolph teaches a communication device, comprising a microphone 120 or 122 (Fig. 1); a processor 124 (Fig. 1) coupled to the microphone to detect a noise level and to determine whether the noise level exceeds a threshold (Fig. 5 and Section 0057); and wherein the processor is to cause audio input from the microphone to be muted when the noise level is above the threshold and while the audio signal conveys a message of the near-end user that is generated internally by the communication device (Fig. 5 and Section 0057). Dolph fails to teach a communication connection that is established, an established audio connection, and converting the text input into speech signals.

Gerson teaches a communication device, comprising a microphone 270 (Fig. 2); a processor 202 (Fig. 2) coupled to the microphone 270 (Fig. 2); and a communication network interface to transmit an audio signal to a far-end user using an audio connection that has been established between a near-end user and the far-end user via

a communication network (Fig. 1 and Col. 3 lines 7-44); and converting the text input into speech signals (Col. 12 lines 19-42).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a communication connection that is established and converting the text input into speech signals as taught by Gerson into Dolph's device in order to increase services for the user (Col. 1 lines 49-63).

Dolph and Gerson fail to teach an established audio connection.

Thomas teaches the audio signal conveys a message 306 and/or 310 (Fig. 3) of the near-end user that is generated internally by the communication device while the audio connection remains established 302 (Fig. 3).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate an established audio connection as taught by Thomas into a communication connection that is established and converting the text input into speech signals as taught by Gerson into Dolph's device in order to improve wireless communication techniques for users (Col. 1 line 59-Col. 2 line 5).

Regarding claim 2, Gerson further teaches detecting a noise level in the audio input to the communication device; and in response to the noise level exceeding a threshold, causing one of activation of and a recommendation to activate text-to-speech conversion (Col. 12 lines 19-42).

Regarding claim 3, Dolph further teaches wherein said detecting a noise level comprises: detecting the noise level based on a combination of signal to noise ratio, noise volume and combined signal and noise volume (Fig. 5 and Section 0057).

Regarding claim 4, Dolph further teaches detecting the noise level as below the threshold after the text-to-speech conversion is activated (Fig. 5 and Section 0057); and in response to the noise level below the threshold, deactivating the text-to-speech conversion (Fig. 5 and Section 0057).

Regarding claim 5, Dolph further teaches detecting a noise level in the audio input to the communication device; and in response to the noise level exceeding a threshold, causing one of activation of and a recommendation to activate speech-to-text conversion to convert voice of the far-end user into text (Fig. 5 and Section 0057).

Regarding claim 6, Gerson further teaches activating speech-to-text conversion after establishment of the audio connection between the near-end user and the far-end user; converting voice of the far-end user transmitted over the audio connection into text; and displaying the text on a display of the communication device (Col. 12 lines 19-42).

Regarding claim 7, Gerson further teaches wherein the communication device is a mobile phone (Fig. 1 and Col. 3 lines 7-44).

Regarding claim 9, Gerson further teaches a text-to-speech converter to convert text input of the near-end user into the message that is conveyed by the audio signal (Col. 12 lines 19-42).

Regarding claim 10, Gerson further teaches a speech-to-text converter to convert voice of the far-end user transmitted over the audio connection into text; and a display screen to show the text to the near-end user (Col. 12 lines 19-42).

Regarding claim 11, Gerson further teaches a user interface to enable the near-end user of the communication device to activate text-to-speech conversion of a text message one of selected and written by the near-end user for conveyance to the far-end user over the audio connection (Fig. 2 and Col. 12 lines 19-42).

Regarding claim 12, Dolph further teaches a user interface to enable the near-end user of the communication device to playback a pre-recorded message stored in memory for conveyance to the far-end user over the audio connection (Fig. 5 and Section 0057).

Regarding claim 13, Gerson further teaches wherein the display screen is enabled to show a noise meter that indicates to the near-end user the noise level in the environment (Figs. 2-3).

Regarding claim 14, Gerson further teaches wherein communication device is portable (Fig. 1 and Col. 3 lines 7-44).

Regarding claim 15, Gerson further teaches wherein communication device is a mobile phone (Fig. 1 and Col. 3 lines 7-44).

Regarding claim 17, Dolph further teaches wherein the instructions further cause the communication device to: automatically activate text-to-speech conversion when the detected noise level exceeds a threshold (Fig. 5 and Section 0057).

Regarding claim 18, Gerson further teaches wherein the instructions further program the communication device to: enable the near-end user to activate text-to-speech conversion independently of the detected noise level (Fig. 2 and Col. 12 lines 19-42).

Regarding claim 19, Gerson further teaches wherein the instructions further program the communication device to: activate speech-to-text conversion to convert voice of the far-end user into text for display on the communication device (Fig. 2 and Col. 12 lines 19-42).

Regarding claim 20, Dolph further teaches wherein the instructions further program the communication device to: playback a pre-recorded message for conveyance to the far-end user over the audio connection (Fig. 5 and Section 0057).

Regarding claim 21, Thomas further teaches terminating the established audio connection 316 (Fig. 3).

Regarding claim 22, Thomas further teaches wherein the instructions further cause the communication device to terminate the established audio connection 316 (Fig. 3).

Response to Arguments

3. Applicant's arguments with respect to claims 1-22 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

Conclusion

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

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW WENDELL whose telephone number is (571)272-0557. The examiner can normally be reached on 8:00-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. 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.

/Andrew Wendell/
Primary Examiner, Art Unit 2618

3/26/2012