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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/263,462	10/02/2002	Fraser Cain	1001/224	2208

26588 7590 03/06/2007
LIU & LIU
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LOS ANGELES, CA 90071

EXAMINER

CHEN, ALAN S

ART UNIT PAPER NUMBER

2182

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

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

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/263,462

Applicant(s)

CAIN ET AL.

Examiner

Alan S. Chen

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-- 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 10 January 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) 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

- 4) Claim(s) 13-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 13-32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 July 2006 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).
- 11) 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

- 12) 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:
- Certified copies of the priority documents have been received.
 - Certified copies of the priority documents have been received in Application No. _____.
 - 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) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/28/05 & 11/27/06</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. In view of the appeal brief filed on 01/10/2007, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims 13-32 rejected under 35 U.S.C. 102(e) as being anticipated by US Pat.

No. 5,406,269 to Baran (*Cited in IDS submitted 3/11/2005*).

4. Per claims 13, 22 and 23; Baran discloses a method and security monitoring device (*Figs. 1&2 shows the method and Figs. 3&4 the security monitoring device*) for monitoring an electronic device (*Fig. 3, element 18*) comprising the steps of: the electronic device initiating communication to a remote location (*Fig. 1, element 28*) using a resident agent (*Column 3, line 42-Column 4, line 6 disclose functions of resident agent shown in Fig. 3, element 100*) without alerting a user (*Column 3, lines 40-45, "...monitoring system is intended to be secretly included at the time of sale"; Summary of the Invention section discloses expressly attempting to conceal transmission of monitoring data from the operator of the apparatus*) and without triggering by the remote location (*central site is only the receiver, remote site, e.g., the apparatus system, is what initiates the telephone call*), and according to a routine independent of an external triggering event after the device has been turned on (*Fig. 1, elements 12,14,22,24,26,28,20 and 32 is construed as the routine, all being independent of external triggers from the central site also shown in Fig.1*), communicating information to the remote location (*Fig. 1, element 32 and 34*), relating to at least one of identity of the electronic device or location of the electronic device (*Column 3, lines 54-Column 4, lines 6, serial number of the apparatus is its identity*); and determining based on respective information, the location of the electronic device (*Column 6, lines 10-15, installation address of machine is determined based on phone number*).

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5. Per claims 27, Baran discloses a security monitoring system (*Fig. 1 both the remote sites and central sites combined*) for monitoring an electronic device (*Fig. 1, element 18*), comprising: a security monitoring device of claims 23; and a remote station at the remote location (*Fig. 1, central site*), comprising a processing unit (*Fig. 1, element 40 data is processed*) that determines based on the information communicated, the location of the device (*Column 6, lines 10-15, installation address of machine is determined based on phone number*).
6. Per claims 14 and 28, Baran discloses claims 13 and 27, wherein the step of communicating comprises the step of notifying an appropriate party of status of the electronic device (*Column 1 describes service providers and security personnel as the party of interest*).
7. Per claims 15 and 29, Baran discloses claims 14 and 28, wherein the step of notifying the appropriate party comprises communicating by telephone (*Fig. 1, element 28*).
8. Per claims 16 and 30, Baran discloses claims 16 and 28, wherein the appropriate party is a monitoring station (*Fig. 1, central site is the monitoring station*).
9. Per claims 17 and 31, Baran discloses claims 14 and 28, wherein the step of notifying the appropriate party is undertaken by the remote station at the remote location (*the information received at the central site is viewed by personnel at the central site*).
10. Per claim 18, Baran discloses claim 13, where the agent is installed in the electronic device in a location and in a manner that resist tampering by the user

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(Column 3, lines 42-50, monitoring system is "secretly included", thus user does not know and will resist tampering by virtue of being oblivious to it).

11. Per claims 19-21, 24-26 and 32, Baran discloses claims 18, 23 and 27, wherein the agent resident is resident on software/hardware either on RAM or ROM (*Fig. 3*).

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant amendment submitted on 10/12/2005 narrowed the scope of the claims which warrants the finality of the Office Action proceeding it given the appropriate prior art. The previous finality given in the Office Action submitted on 1/23/2006 is vacated and replaced with the current one. 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.

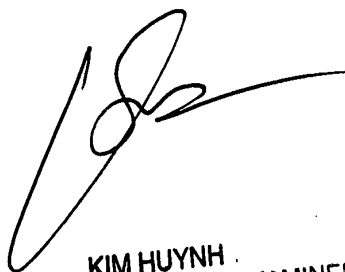
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan S. Chen whose telephone number is 571-272-4143. The examiner can normally be reached on M-F 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim N. Huynh can be reached on 571-272-4147. 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.

ASC
02/26/2007



KIM HUYNH
SUPERVISORY PATENT EXAMINER
2/27/07