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12/040,323	02/29/2008	Jim Riley	13050-419-US-1	9189
34044	7590	10/01/2014	EXAMINER	
MICHAEL BEST & FRIEDRICH LLP (Bosch) 100 EAST WISCONSIN AVENUE MILWAUKEE, WI 53202			MCGUE, FRANK J	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* JIM RILEY,  
STEVE MARKHAM, and MICHAEL MARRIAM

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Appeal 2012-008481  
Application 12/040,323  
Technology Center 3600

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Before: JAMES P. CALVE, LYNNE H. BROWNE, and  
THOMAS F. SMEGAL, *Administrative Patent Judges*.

CALVE, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from the final rejection of claims 1–5 and 7–21. App. Br. 5. Claim 6 is cancelled. Reply Br. 2. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

### CLAIMED SUBJECT MATTER

Claims 1, 9, and 16 are independent. Claim 1 is reproduced below.

1. A method for tracking a location of an object, comprising the steps of:

providing a motion detector on a first radio frequency device, the motion detector detecting motion of the first radio frequency device;

transmitting radio frequency location signals from the first radio frequency device to a second radio frequency device with time intervals between the transmissions;

decreasing the time intervals between the transmissions from the first radio frequency device to the second radio frequency device in response to the detection of motion by the motion detector; and

periodically determining a separation distance between the first radio frequency device and the second radio frequency device based on the radio frequency location signals transmitted from the first radio frequency device to the second radio frequency device.

### REJECTIONS<sup>1</sup>

Claims 1, 2, 7–9, 12, and 13 are rejected under 35 U.S.C. §102(b) as anticipated Heller (US 5,119,104; iss. June 2, 1992).

Claims 3 and 4 are rejected under 35 U.S.C. §103(a) as unpatentable over Heller and Guthrie (US 5,745,037; iss. Apr. 28, 1998).

Claim 5 is rejected under 35 U.S.C. § 103(a) as unpatentable over Heller, Guthrie, and Narcisse (US 4,675,656; iss. June 23, 1987).

Claim 10 is rejected under 35 U.S.C. §103(a) as unpatentable over Heller and Guthrie.

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<sup>1</sup> The Examiner has withdrawn the following rejections: (1) Claim 15 is rejected under 35 U.S.C. §103(a) as unpatentable over Heller, Narcisse, and Christ (US 5,977,913; iss. Nov. 2, 1999); and (2) Claim 20 is rejected under 35 U.S.C. §103(a) as unpatentable over Heller, Guthrie, and Christ. Ans. 4.

Claim 11 is rejected under 35 U.S.C. § 103(a) as unpatentable over Heller, Guthrie, and Narcisse.

Claim 14 is rejected under 35 U.S.C. § 103(a) as unpatentable over Heller and Narcisse.

Claims 16 and 17 are rejected under 35 U.S.C. §103(a) as unpatentable over Heller and Guthrie.

Claim 18 is rejected under 35 U.S.C. §103(a) as unpatentable over Heller, Guthrie, and Narcisse.

Claim 19 is rejected under 35 U.S.C. §103(a) as unpatentable over Heller, Guthrie, and Storms (US 4,703,444; iss. Oct. 27, 1987).

Claim 21 is rejected under 35 U.S.C. §103(a) as unpatentable over Heller and Koelle (US 5,510,795; iss. Apr. 23, 1996).

#### ANALYSIS

In their Reply Brief, Appellants assert the following:

At page 4 of the Examiner's Answer, the rejection of claims 15 and 20 is withdrawn. The Examiner indicated that claims 15 and 20 would be allowable if rewritten in independent form with the limitations of the base claim and any intervening claims, for which courtesy the Examiner is thanked. Appellants continue to disagree with the grounds for rejection of all the pending claims. However, in order to expedite prosecution of the present application, and to avoid the delay of the remainder of the Appeal process, Appellants hereby cancel claims 1-9, 14, 16 and 21, amend claims 15 and 20 to be in independent form as suggested by the Examiner, and amend the remaining claims to depend from either claim 15 or claim 20 based on the understanding that all the amended claims shall be immediately allowed by the Examiner.

Reply Br. 3.

A Reply Brief shall not include any new or non-admitted amendment, or any non-admitted affidavit or other evidence. 37 C.F.R. § 41.41(b)(1). To effectuate Appellants' intentions, we will treat this statement in the Reply Brief as an indication that Appellants do not desire to present arguments as to the remaining rejections of claims 1–5, 7–14, 16–19, and 21. As such, we summarily sustain the rejections of claims 1–5, 7–14, 16–19, and 21.

DECISION

We AFFIRM the rejections of claims 1–5, 7–14, 16–19, and 21.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED