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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.

DETAILED ACTION

This communication is a Non-Final Office Action on the merits in response to the Board decision received on 10/13/2015. All previously pending rejections have been withdrawn (in response to the Boards decision), however, a new rejections under 35 USC 101 and 35 USC 102 are applied below.

A Patent Trial and Appeal Board decision was issued October 31st, 2015, reversing the Examiner's action on the claims. In response to this decision, prosecution is reopened. Therefore, Claims 1-11 are pending and have been addressed below.

The Technology Center (TC) Director has authorized the reopening of prosecution under 37 CFR 1.198 for the purpose of entering a new rejection, as indicated by signing below. See MPEP 100.02(c) and MPEP 1214.04. The present application is being examined under the pre-AIA first to invent provisions.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claimed invention is directed to a judicial exception (i.e., a law of nature, a natural phenomenon, or an abstract idea) without significantly more.

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Claims 1-8 are directed to multiple abstract ideas:

a) Claim(s) 1-8 is/are directed to a system and method including the abstract idea of: tracking, maintenance scheduling and verification for a collection a assets, generating at least one task list for said collection of assets, receiving said at least one task list and directing a user to conduct a sequence of tasks specified in said at least one task list which is similar to concepts relating to processes of organizing information that can be performed mentally abstract found in "Cyberfone".

Here, the underlined idea via the generating and receiving steps is collecting information in classified form (i.e., task list), the separating and transmitting that information according to its classification (i.e., directing a user to conduct a sequence of tasks specified in said at least one task list). Thus, the claimed invention recites using categories to organize, store, and transmit information which is patent in-eligible subject matter.

Further, the abstract idea of: interrogating a respective asset to obtain said identifier for said respective asset, producing user instructions to direct a user for performing an action involving physical properties of said respective asset, receiving a response from said user and generating data relating to said physical properties of said respective asset which is similar to concepts relating to processes of comparing data that can be performed mentally abstract found in "SmartGene".

Here, the underlined idea via the interrogating, producing, receiving, and generating steps is comparing new and stored information using rules to identify options. Thus, the claimed invention recites patent in-eligible subject matter.

The claim(s) does/do not include additional elements that are sufficient to amount to significantly more than the judicial exception because:

The additional elements of “a server system”, “a handheld remote programmable device” and “a user interface” includes generic computer(s) performing generic computing functions. **[See Spec. pg. 8 lines 1-9]**

Also, the additional step of *“for each asset in said collection of assets, providing a machine readable identifier having information sufficient to distinguish each asset from all other”* represents electronic recordkeeping which is a recognized computing function to be well-understood, routine, and conventional when claimed in a generic manner.

Also, the additional step of *“communicating said data relating to said properties of said respective asset to said server system wherein said system server is responsive to communication of said data reflecting performance of said action to update a database including at least one record corresponding to said collection of assets”* is merely receiving, processing, and storing data which is a recognized computing function to be well-understood, routine, and conventional when claimed in a generic manner.

Considering the additional elements both individually and as a combination, the claim as a whole does not amount to significantly more than the abstract idea itself because these elements merely serve to support the operation of the abstract idea in a generic, conventional, and insignificant manner.

Claims 9-11 are directed to multiple abstract ideas:

a) Claims 9-11 are directed to a system including the abstract idea of:
programmed with customized tasks associated with said particular collection of asset

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which is similar to concepts relating to processes of organizing information that can be performed mentally abstract found in "Cyberfone".

Here, the underlined idea via the programming step is collecting information in classified form, the separating and transmitting that information according to its classification (i.e., customized tasks associated with said particular collection of asset). Thus, the claimed invention recites using categories to organize, store, and transmit information which is patent in-eligible subject matter.

Further, Claims 9-11 are directed to a system including the abstract idea of: communicating said customized tasks to respective of said plurality and for receiving status data and machine readable identifier data, and diagnosing problems for individual asset based on said status data and to provide additional instructions to be carried out by users which is similar to concepts relating to processes of comparing data that can be performed mentally abstract found in "SmartGene".

Here, the underlined idea via the communicating, receiving, diagnosing, and providing steps is comparing new and stored information using rules to identify options. Thus, the claimed invention recites patent in-eligible subject matter.

The additional elements of "a plurality of handheld remote programmable devices", "at least one server" includes generic computer(s) performing generic computing functions. **[See Spec. pg. 8 lines 1-9]**

The additional step of *"a plurality of a machine readable identifiers mountable on each of said assets, said plurality of handheld programmable devices being operable to read at least respective of said plurality of machine readable identifiers when selectively*

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placed in proximity by a respective user" is merely electronically scanning or extracting data from a physical document which is a recognized computing function to be well-understood, routine, and conventional when claimed in a generic manner.

The additional step of "*at least one server programmed to electronically communicate with said plurality of handheld remote programmable devices"* is merely receiving and/or transmitting data over a network which is a recognized computing function to be well-understood, routine, and conventional when claimed in a generic manner.

Considering the additional elements both individually and as a combination, the claim as a whole does not amount to significantly more than the abstract idea itself because these elements merely serve to support the operation of the abstract idea in a generic, conventional, and insignificant manner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of pre-AIA 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 –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-11 are rejected under pre-AIA 35 U.S.C. 102(b) as being anticipated by Meeker (6,594,621).

With respect to claims 1 and 5, Meeker discloses

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a system and method of asset tracking and maintenance scheduling and verification for a collection of assets (col. 1, lines 8-11: discloses the invention relates to a plant monitoring system for determining the condition of a plant with a portable processing device and a central processing means.), comprising:

for each asset in said collection of assets (col. 3, lines 63-67: discloses equipment can be anyone of a variety of devices such as pumps, blower, generators, valves, motors, etc., which represent assets.),

a machine readable identifier comprising machine readable data sufficient to distinguish each asset from all others (cols. 4-5, lines 66-8: discloses equipment is marked with a device having a machine-readable identification code employing a passive circuit that can receive a radio frequency signal and return a modulated signal that is encoded to identify a specific equipment.);

a system server programmed to generate at least one task list for said collection of assets (col. 5, lines 45-46: discloses the central processing system can produce work orders.);

a handheld remote programmable device operable to read said machine readable identifier when a user selectively positions said handheld remote programmable device in proximity with a selected asset (cols. 5-6, lines 47-44, col. 7, lines 14-24: discloses portable processing device is a conventional handheld computer that includes a wireless connection to connect to the central processing system. Furthermore, the device can be carried to various inspection sites where an operator can automatically feed the site information to the central processing system using a

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barcode reader. The operator will indicate that an observation is being made by scanning the barcode on the device.),

said handheld remote programmable device being selectively coupled to said system server for receiving said at least one task list from said system server asset (col. 6, lines 45-51: discloses the operator will initially connect the portable device(s) to central processing system. The system will detect the presence of the portable devices and download an itinerary for the operator to follow.);

said handheld remote programmable device further comprising a user interface readable by said user, said user interface being operable for directing a said user to conduct a sequence of user performable steps relating to said collection of assets specified in said at least one task list (cols. 6-7, lines 45-36: discloses the device may request operator to make certain observations and enter qualitative assessments of certain conditions. The operator may be requested to take survey information by interviewing occupants of the facility.);

wherein said user interface comprises user inputs so as to be interactive with said user responsively to said user performing said user performable steps (cols. 6-7, lines 45-36);

said handheld remote programmable device being programmed for communicating data from said user inputs and said machine readable identifier to said system server (col. 7, lines 30-36: discloses device will be connected to the system and will then upload the information just collected.);

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and wherein said system server is responsive to communication of said data from said user inputs to update a database corresponding to each one of said collection of assets. (col. 7, lines 30-38: discloses the system will first store the uploaded information in the database.)

With respect to claims 2 and 6, Meeker discloses a system and method, wherein said system server communicates with said handheld remote programmable device via a wireless communications link. (col. 5, lines 9-26, col. 9, lines 14-20: discloses central system which represents said system server is connected by wireless connections to associated equipment for determining the condition of a plant, inspection site, facility, or the like. The portable devices may have a live wireless link to the central processing system in order to instantly update its database.)

With respect to claims 3 and 7, Meeker discloses a system and method, wherein said machine readable identifier comprises a radio-frequency identification tag. (cols. 4-5, lines 66-8: discloses the equipment is marked with a machine readable identification code employing a passive circuit that can receive radio frequency signal and return a modulated signal that is encoded to identify a specific equipment.)

With respect to claims 4 and 8, Meeker discloses a system and method,

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wherein said system server generates a task list based upon updated information in said database. (col. 8, lines 33-67: discloses the conditions previously calculated which represents updated information in said database are used to produce corrective work orders. Furthermore, the system can issue instructions which represent the task list for service and maintenance which may be downloaded into the portable device.)

With respect to claim 9, Meeker discloses

an asset tracking and maintenance scheduling and verification system accessible by a plurality of clients, each of said plurality of clients being associated with a particular collection of assets (col. 1, lines 8-11: discloses the invention relates to a plant monitoring system for determining the condition of a plant with a portable processing device and a central processing means.), comprising:

a plurality of handheld remote programmable devices (cols. 5-6, lines 45-45: discloses device 38 can connect to central processing system; discloses device 46 connected to central processing system.);

a plurality of machine readable identifiers mountable on each of said assets (cols. 4-5, lines 66-8: discloses equipment is marked with a device having a machine-readable identification code employing a passive circuit that can receive a radio frequency signal and return a modulated signal that is encoded to identify a specific equipment.),

said plurality of handheld remote programmable devices being operable to read at least respective of said plurality of machine readable identifiers when selectively

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placed in proximity by a respective user (cols. 5-6, lines 47-44, col. 7, lines 14-24: discloses portable processing device is a conventional handheld computer that includes a wireless connection to connect to the central processing system. Furthermore, the device can be carried to various inspection sites where an operator can automatically feed the site information to the central processing system using a barcode reader. The operator will indicate that an observation is being made by scanning the barcode on the device.);

at least one server programmed to electronically communicate with said plurality of handheld remote programmable devices, said server being programmed with customized tasks associated with said particular collection of assets of each client (cols. 6-7, lines 45-36: discloses the device may request operator to make certain observations and enter qualitative assessments of certain conditions. The operator may be requested to take survey information by interviewing occupants of the facility.),

said server being programmed for communicating said customized tasks to respective of said plurality of handheld remote programmable devices (cols. 6-7, lines 45-36) and

for receiving status data and machine readable identifier data from said handheld remote programmable devices (col. 7, lines 30-36: discloses device will be connected to the system and will then upload the information just collected.),

said server being programmed to diagnose problems for individual assets based on said status data and to provide additional interactive instructions to be carried out by users of said plurality of handheld remote programmable devices. (col. 8, lines 33-67:

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discloses the conditions previously calculated which represents diagnosed problems for individual assets based on said status data are used to produce corrective work orders. Furthermore, the system can issue instructions which represents additional interactive instructions to be carried out by users of said plurality of handheld remote programmable devices for service and maintenance which may be downloaded into the portable device.)

With respect to claim 10, Meeker discloses a system in accordance with claim 9,

wherein said at least one server is programmed to prevent disclosure between said plurality of clients regarding each particular collection of assets. (col. 8, lines 50-57: discloses the maintenance instructions are considered to be independent between personnel collecting inspection data.)

With respect to claim 11, Meeker discloses a system in accordance with claim 9,

wherein said plurality of machine readable identifiers are read only devices. (cols. 4-5, lines 66-8: discloses machine-readable identification code employing a passive circuit that can receive a radio frequency signal and return a modulated signal that is encoded to identify a specific equipment.)

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EHRIN PRATT whose telephone number is (571)270-3184. The examiner can normally be reached on Monday - Friday; 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on (571) 272-6782. 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.

/EHRIN PRATT/
Examiner, Art Unit 3629

/GREG VIDOVICH/
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