

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Mark T. Montgomery *et al.*

Application No: 11/769,565

Filed: June 27, 2007

For: MULTIMODE ANTENNA  
STRUCTURE

Confirmation No.: 5042

Group Art Unit: 2821

Attorney Docket No.: SCJ-101

Examiner: T. G. Phan

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT OF THE SUBSTANCE OF THE INTERVIEW**

The Examiner is thanked for the telephone interview of November 24, 2009, in which the following was discussed:

1. No exhibits were presented.
2. Claims 1-39 were discussed.
3. U.S. Patent No. 5,189,434 issued to Bell ("Bell") and U.S. Patent Application Publication No. 2006/0050009 to Ho ("Ho") were discussed.
4. No proposed amendments were presented other than the amendments to the claims presented in Applicants' response to office action dated October 2, 2009.
5. General thrust of argument presented: Bell fails to disclose or suggest a multimode antenna structure including one or more connecting elements electrically connecting the antenna elements at a location on each antenna element that is spaced apart from an antenna port coupled thereto to form a single radiating structure.
6. General indication of any other pertinent matters discussed: Applicants agreed to file a terminal disclaimer in response to the Examiner's provisional rejection of claims 1, 2, 5, 6, 11, 23,

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Statement Of The Substance Of The Interview dated December 10, 2009

28, and 29 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims of co-pending U.S. Application No. 12/099,320.

7. General results or outcome of the interview: the Examiner appeared to agree that the claims were patentable over Bell.

### **CONCLUSION**

In the event that an extension of time is required, or that may be required in addition to that requested in any petition for an extension of time, a petition for extension is hereby made to make this response timely, and the Commissioner is hereby authorized to charge any fee for such, to deposit account number 06-1448.

If a telephone conversation with Applicants' Attorney would expedite the prosecution of the above-identified application, the Examiner is urged to call the undersigned at (617) 832-1268.

Respectfully submitted,

FOLEY HOAG LLP

Dated: December 10, 2009  
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