

REMARKS

The Applicants appreciate the thorough examination of the subject application and especially the identification of allowable subject matter in claims 5 and 6. By this amendment, certain claims have been amended as set forth above and described below to overcome the Examiner's rejections and more concisely claim and describe the present invention. After entry of the present amendment claims 1 – 7 remain in the application and claims 8 – 10 have been canceled. The Examiner's allowance of all pending claims is earnestly solicited.

Examiner Nguyen has rejected claims 1 - 4 and 7 under Section 102(b) as anticipated by Allen (U.S. Patent 6,487,296).

Allen discloses a wireless speaker system having a transmitter that broadcasts FM signals to individual speakers of a surround sound system. With the exception of Allen's novel features as set forth in his claims, his surround system is conventional. Each one of several receivers is equipped with receiving, conditioning and amplifying elements for receiving the broadcast signals at remote locations and supplying the resulting audio signal to a conventional loudspeaker.

Allen does not disclose powering his transmitter (Allen element 13 in Figure 2) from the audio signal that is to be transmitted, as the Applicants teach and now claim. Instead, Allen discloses powering his FM transmitters through an on/off switch 27. Reference to the transmitter 13 of Figure 2 and the applicable text from line 66 of column 5 to line 19 of column 6 does not reveal the power source controlled by the on/off power switch 27. However, given that a power cord is illustrated in Figure 3 for supplying power to the receiver 14 and that the on/off power switch 41 (on the receiver) and the on/off power switch 27 (on the transmitter) appear similar and are identically located on their respective devices, one can fairly assume that the transmitter 13 is also powered from a wall outlet through a power cord. Irrespective of the specific power source for Allen's transmitter, Allen does not disclose powering the transmitter from the audio signal to be transmitted, as the Applicants teach and claim.

Thus to further define the invention over the prior art, the Applicants have amended claim 1 to claim that the channel transmit module is responsive to the audio channel signal for transmitting that signal. The Applicants' power module is responsive to the power signal for supplying operating power to the channel transmit module. A signal splitter splits the audio signal into an audio signal (supplied as a signal input to the channel transmit module) and a power signal (supplied to the channel transmit module to provide operating power to the channel transmit module). These elements of the Applicants' invention are not disclosed nor suggested by the Allen reference, as Allen appears to use conventional 120VAC electricity to power his transmitter and therefore has no need to derive his power from a different source.

For a claim to be anticipated under 35 USC 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present (MPEP 706.02(a) IV). The identical invention must be shown in as complete detail as recited in the claim and the elements must be arranged as required by the claim (MPEP 2131). These criteria are not met for the independent claim 1 as argued above. Prior art cannot anticipate a claim if there is any structural difference (MPEP 2114). Accordingly, Applicants request withdrawal of the 35 USC 102 rejections.

The Applicants note and appreciate the indication of allowable subject matter in claims 5 and 6, but have not incorporated all limitations of claims 5 and 6 into claim 1 as Examiner Nguyen has suggested to allow the application. Instead, the Applicants suggest that incorporating the gist of claim 5 into claim 1 should render claim 1 allowable as amended. Specifically, claim 1 now refers explicitly to the power module responsive to the power signal (as derived from the splitter) for supplying operating power to the channel transmit module. As discussed above, this limitation is not present or suggested by Allen.

In the second full paragraph on page 3 of the Office Action, Examiner Nguyen suggests that the signal splitter is conventional in the art. Albeit this is a supportable statement, the Applicants do not claim a signal splitter for splitting two or more audio signals, as conventionally done. Instead, the Applicants teach and claim deriving (by

splitting) the power signal from the audio signal. The Applicants' splitter performs this function, which is different than the conventional operation of a signal splitter.

Rejected claims 2 – 7 depend directly or indirectly from claim 1. Certain of these claims have been amended to make them consistent with the amended language of claim 1. The Applicants respectfully submit that these claims are allowable along with and for the same reasons as amended independent claim 1, and further that these claims reference other patentably distinguishable features of the present invention

Again, the Applicants note and appreciate the indication of allowable subject matter in claims 5 and 6. However at this stage of prosecution and given the amendments set forth above, the Applicants respectfully suggest that these claims are currently in condition for allowance based on the amendments to claim 1 and the remarks and discussion above in which the Applicants' invention as set forth in claim 1 is distinguished from the cited references. In the event Examiner Nguyen disagrees, he is invited to call the undersigned to discuss his views and reach agreement on acceptable claim language.

Reconsideration of the request to rewrite claims 5 and 6 in independent form is respectfully requested and the rewriting of these claims is held in abeyance pending the Examiner's reconsideration of the rejection of claim 1.

Claims 1 – 7 are also allowable under the obviousness standards of Section 103(a). Allen does not disclose a power signal derived from the audio signal and its input to the channel transmit module for supplying power to the transmit module. Without a discussion or a suggestion of this limitation in Allen, a rejection under Section 103 is not supported and cannot stand.

Claims 8 – 10, which were previously withdrawn in response to Examiner Nguyen's restriction requirement, have been canceled with the Applicants reserving the right to prosecute these or similar claims in a continuing application. Cancellation of these claims is not to be construed as an admission as to the validity of the rejection or the applicability of the cited art.

The Applicants petition for an extension of time of one month, until December 22, 2011 under 37 C.F.R. 1.136. The extension of time fee has been paid by charging to a credit card concurrently with the filing of this amendment. .

The Applicants have complied with all of the points raised in the Office Action and it is believed that claims 1 – 7 are all now in condition for allowance. The Applicants respectfully request that Examiner Nguyen reconsider his rejections and issue a Notice of Allowance for the application.

If a telephone conference will assist in clarifying or expediting this Amendment or the claim changes made herein or if Examiner Nguyen would like to suggest additional claim amendments, he is invited to contact the undersigned at the telephone number below. The undersigned hopes that he and the Examiner can engage in a cooperative search for allowable subject matter, as Director Kappos has suggested in his blog remarks. I am open to a telephone interview at any time during prosecution of the present application.

Respectfully submitted,

/John L. DeAngelis/

John L. DeAngelis
Reg. No. 30,622
Beusse Wolter Sanks Mora & Maire, P.A.
390 North Orange Avenue, Suite 2500
Orlando, Florida 32801
Telephone: (407) 926-7710
Facsimile: (407) 926-7720
Email: jdeangelis@iplawfl.com