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12/055,259	03/25/2008	Mark Montgomery	069987-081/D074	7480
29391	7590	02/22/2010	EXAMINER	
BEUSSE WOLTER SANKS MORA & MAIRE, P. A. 390 NORTH ORANGE AVENUE SUITE 2500 ORLANDO, FL 32801			NGUYEN, HOANG V	
			ART UNIT	PAPER NUMBER
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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.

Response to Arguments

1. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

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 –

(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 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Raguenet et al (US 5,489,913).

Regarding claim 1, Raguenet (Figures 1 and 2, col 4 lines 23-29) discloses an antenna comprising a dielectric tubular member; a second conductive material 2 forming an exterior surface of the tubular member; the second conductive material defining a slot 3 therein, the slot having a slot length approximately equal to one-half of a guided wavelength and having a slot width, there being no slot present in the tubular member immediately beneath the slot in the second conductive material; and a feed 4 proximate the slot for establishing currents in the second conductive material when the antenna is in a transmitting mode, the currents perpendicular to the slot length. The limitation "for placement in an opening within a first conductive material" recited in the preamble was not given any patentable weight.

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Regarding claim 2, as applied to claim 1, Raguenet (Figures 1 and 2) teaches that the guided wavelength is related to a free space wavelength of a signal transmitted or received by the antenna, a dielectric constant of a material inside the tubular member and a dielectric constant of a material outside the tubular member.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raguenet.

Raguenet discloses the claimed invention except explicitly mention that the dielectric constant of the dielectric tubular member is greater than about ten. It would have been obvious to one having ordinary skill in the art at the time the invention was made to configure the dielectric tubular member with a dielectric constant to be greater than ten, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Allowable Subject Matter

6. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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7. Claims 5-20 are allowed.
8. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 4, Raguenet fails to further teach, in combination with other limitations, that a width of the opening defined by the first conductive material is less than a quarter wavelength of the guide wavelength.

Reasons for indicating allowable subject matter for claims 5-20 were provided in the previous office action.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). 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 date of this final action.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HOANG V. NGUYEN whose telephone number is (571)272-1825. The examiner can normally be reached on Mondays-Fridays from 9:00 a.m. to 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Owens can be reached on (571) 272-1662. 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.

/Hoang V Nguyen/
Primary Examiner, Art Unit 2821