



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/337,789	12/27/2011	Frank M. Caimi	5000-0009	1742
107849	7590	04/04/2013	EXAMINER	
SkyCross Docket 304 Indian Trace #750 Weston, FL 33326			PHU, SANH D	
			ART UNIT	PAPER NUMBER
			2648	
			NOTIFICATION DATE	DELIVERY MODE
			04/04/2013	ELECTRONIC

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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@ggip.com

Office Action Summary	Application No. 13/337,789	Applicant(s) CAIMI, FRANK M.	
	Examiner SANH PHU	Art Unit 2648	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 December 2011.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
- 4) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) Claim(s) 1-23 is/are pending in the application.
 - 5a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 6) Claim(s) _____ is/are allowed.
- 7) Claim(s) 1,2,5,9,10,12-14,17,20,21 and 23 is/are rejected.
- 8) Claim(s) 3,4,6-8,11,15,16,18,19 and 22 is/are objected to.
- 9) Claim(s) _____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) The specification is objected to by the Examiner.
- 11) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date 3/12/12;12/13/12.
- 3) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 4) Other: _____.

DETAILED ACTION

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, 2, 5, 9, 10, 12-14, 17, 20-21,23 are rejected under 35 U.S.C. 102(b) as being anticipated by Piovaccari et al (US 2009/0004977).

Regarding to claim 1, Piovaccari et al disclose a radio communications device, comprising: a headphone (a headphone 500) assembly comprising at least one aural speaker (earpiece [0031]) or transducer and a headphone cable functioning as an antenna and providing electrical signals carrying audio information to the at least one aural speaker (440,450) or transducer (fig. 5); a signal separator (equivalent to 505) coupled to the headphone cable (cable 502) for separating the electrical signals carrying audio information transmitted to the headphone cable and radio frequency (RF) signals received from the headphone cable (see [0005],[0006], fig. 1 and 5); a radio receiver (a FM/AM receiver 10) for receiving the RF signals from the signal separator and converting the RF signals to electrical signals carrying audio information (see [0005],[0006],[0031]); a tuner (a tuner 92 in receiver 10) for tuning the headphone cable to a selected operating frequency of the radio receiver (see [0076]); and an audio

Art Unit: 2648

amplifier (amplifier 82, 84, 94), for amplifying electrical signals carrying audio information from the radio receiver to be transmitted through the headphone cable to the at least one aural speaker or transducer (see fig. 1, 5).

Regarding to claim 2, Piovaccari et al disclose the device further comprising a device housing having a headphone jack (110 in fig. 4), an electrical interface (115), or an electro-mechanical interface, and wherein the signal separator, the radio receiver, the tuner, and the audio amplifier are located within the housing, and the headphone cable is located outside the device housing and is connected to the headphone jack, the electrical interface, or the electro-mechanical interface (fig. 4, 5).

Regarding to claim 5, Piovaccari et al disclose the device wherein the tuner comprises a match network (a network impedance 432,434) and/or impedance matched tuner and a controller (MCU 98 and controller 39) for controlling the match network or impedance matched tuner (see fig. 1, 5).

Regarding to claim 9, Piovaccari et al disclose the device wherein the headphone cable comprises at least one RF cable functioning as the antenna, at least one audio conductor for providing electrical signals carrying audio information to the at least one aural speaker or transducer, and an audio/RF return or common ground (see [0026]).

Regarding to claim 10, Piovaccari et al disclose the device wherein the operating band comprises VHF (high), VHF (low), FM, or UHF bands (operating in AM/FM band).

Art Unit: 2648

Regarding to claim 12, Piovaccari et al disclose the device wherein the radio communications device is a tablet, netbook, or notebook computer or smartphone (PDA, see background of the invention).

Regarding to claim 13, it is rejected for similar reasons as set forth in claim 1.

Regarding to claim 14, it is rejected for similar reasons as set forth in claim 2.

Regarding to claim 17, it is rejected for similar reasons as set forth in claim 5.

Regarding to claim 20, it is rejected for similar reasons as set forth in claim 9.

Regarding to claim 21, it is rejected for similar reasons as set forth in claim 10.

Regarding to claim 23, it is rejected for similar reasons as set forth in claim 12.

Allowable Subject Matter

6. Claims 3, 4, 6-8, 11, 15, 16, 18, 19, 22 are 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.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D Phu whose telephone number is (571)272-7857. The examiner can normally be reached on 8:00-16:30.

Art Unit: 2648

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. 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.

/Sanh D. Phu/
Primary Examiner
AU 2648