

In the Claims

All of the claims standing for examination are reproduced below with appropriate status indication.

1. (Previously presented) A first responder task-optimization system comprising:
 - a network-connected server having at least one processor and data repository;
 - software running on the at least one processor from a non-transitory medium, the software providing:
 - a first function mapping fixed geographic locations housing fixed electronic devices having interfaces connected to fixed alarm systems at the geographic locations;
 - a second function receiving evacuation-success notification information manually sent from persons interacting with the electronic devices evacuating from the geographic locations in the path of the progression of a disaster;
 - a third function for visually associating the received evacuation-success notification information to the geographic locations visually represented on at least one digitally rendered geographic representation of the area in the path of the disaster, the evacuation-success notification indicating that the persons are no longer present at the location; and
 - a fourth function for serving the at least one geographic representation including the associated notification information to first responders in the field.
2. (Original) The system of claim 1, wherein the pre-specified locations are one or a combination of residences, workplaces, or institutions.
3. (Canceled)
4. (Previously presented) The system of claim 1, wherein the evacuation-success notification information is received from mobile communications appliances associated with persons, in turn, associated with the alarm systems at the geographic locations.

5. (Previously presented) The system of claim 1, wherein the geographic representations are digital maps illustrating the geographic locations.

6. (Previously presented) The system of claim 1, wherein the second function associates the received notification information to the-geographic locations in one or more digital overlays of the geographic representations.

7. (Previously presented) The system of claim 6, wherein the association is visual indicia overlaid one-to-one over the geographic locations on the geographic representations.

8. (Previously presented) The system of claim 1, wherein the evacuation-success notification information is received in response to a mandatory or voluntary evacuation warning issued via the fixed electronic device during the progression of the disaster.

9. (Previously presented) The system of claim 1, wherein the evacuation-success notification information includes at least the number of persons evacuated from a geographic location.

10. (Previously presented) The system of claim 9, wherein the evacuation-success notification information further includes location information specifying locations and or areas to which the persons evacuated that are remote from the geographic locations housing the electronic devices.

11. (Previously presented) The system of claim 1, wherein the geographic locations are pre-mapped by global positioning service (GPS) coordinates prior to the disaster, wherein the GPS coordinates are implicitly observed or inferred through association of the location to one or a combination of telephone number, zip code, physical address, unit number, or the alarm system location.

12. (Previously presented) A method for optimizing search and recovery efforts for first responders to a geographic area in the wake of a disaster comprising the steps:

(a) mapping geographic locations housing fixed electronic devices having interfaces connected to fixed alarm systems at the geographic locations;

(b) receiving evacuation-success notification information manually sent from persons operating the interface, at a network-connected server having at least one processor and data repository, said persons evacuating from the geographic locations in the path of the progression of a disaster;

(c) associating the received evacuation-success notification to the geographic locations visually represented on at least one digitally rendered geographic representation of the area in the path of the disaster, wherein the received evacuation-success notification indicates persons no longer present at the geographic location; and

(d) serving the at least one digitally rendered geographic representation of the area in the path of the disaster, the representation including the associated evacuation-success notification information to at least one network-connected computing appliances operated by first responders in the area affected by the disaster.

13. (Previously presented) The method of claim 12, wherein in step (a), the geographic locations are one or a combination of residences, workplaces, or institutions.

14. (Canceled)

15. (Previously presented) The method of claim 12, wherein in step (b), the evacuation-success notification information is received from mobile communications appliances associated with persons, in turn, associated with the alarm systems at the geographic locations.

16. (Previously presented) The method of claim 12, wherein in step (a), the mapping includes at least one geographic representation is a digital map illustrating individual ones of the geographic locations.

17. (Previously presented) The method of claim 12, wherein in step (c), the received evacuation-success notification information is associated one-to-one to the geographic locations in one or more digital overlays of the at least one geographic representation.

18. (Previously presented) The method of claim 12, wherein in step (c), the association is visual indicia overlaid one-to-one over the geographic locations on the at least one geographic representation.

19. (Previously presented) The method of claim 12, wherein in step (b), the evacuation-success notification information further includes location information specifying locations and or areas to which the persons evacuated.

20. (Previously presented) The method of claim 12, wherein in step (a), the geographic locations are mapped by global positioning service (GPS) coordinates, wherein the GPS coordinates are implicitly observed or inferred through association of the location to one or a combination of telephone number, zip code, physical address, unit number, or the alarm system location.

REMARKS

This response is to the Office Action mailed on 08/15/2013.

From the action:

Claim Rejections - 35 USC § 103

Claims 1, 2,4-13,15-20 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Mason et al. (US Patent No. 7,091,852).

Consider **claim 1**, Mason et al. disclose a first responder task-optimization system (**title** discloses emergency response personnel automated accountability system) comprising: a network-connected server having at least one processor and data repository; software running on the at least one processor from a non-transitory medium, the software (**col. 8 lines 41-65, figs. 4, 9** disclose components of the command and control system 10000 and field devices 20000 of the FRCS. The FRCS includes a command and control system 10000 coupled among numerous field devices 20000. The command and control system 10000 provides a three-dimensional graphical representation of an incident, including locations of structures, assets, and personnel, along with a centralized command, control, and communications interactive environment. The command and control system 10000 includes a portable system controller 12000 coupled among at least one of a portable command terminal 11000, keyword lookup engines, tables, and/or systems 14000, command scenario systems or databases 15000, and local storage devices 17000. Command and control system 10000 is coupled among at least one command and control transceiver 13000. The command and control system can also couple to any number of external devices and systems, i.e. external storage devices 41000 and external systems like expert systems and other analytical systems that perform near real-time and post-event analysis of data collected from/during an incident along with systems that generate training scenarios):
a first function mapping geographic locations housing electronic devices having interfaces connected to alarm systems at the geographic locations (**col. 8 lines 41-65, figs.**

4, 9 disclose components of the command and control system 10000 and field devices 20000 of the FRCS. The FRCS includes a command and control system 10000 coupled among numerous field devices 20000. The command and control system 10000 provides a three-dimensional graphical representation of an incident, including locations of structures, assets, and personnel, along with a centralized command, control, and communications interactive environment);

a second function receiving evacuation-success notification information manually sent from persons interacting with the electronic devices evacuating from the geographic locations in the path of the progression of a disaster; a third function for visually associating the received evacuation-success notification information to the geographic locations visually represented on at least one digitally rendered geographic representation of the area in the path of the disaster, the evacuation-success notification indicating that the persons are no longer present at the location; and a fourth function for serving the at least one geographic representation including the associated notification information to first responders in the field (**col. 7 lines 11-15,35-50,53-67, figs. 9, 12-14** disclose responder radios 21000 provide location information using enhanced geo-location technology 150 so that each responder's location is transmitted to the incident commander at regular intervals via components of the command and control system 10000. The geo-location system includes a Global Positioning System (GPS) receiver, but is not so limited - automatically generate and transmit regular position and position update messages; and barometric pressure devices. The geolocation system automatically generates and transmits regular position and position updates messages to components of the command and control system 10000, for example the portable system controller 12000. The geo-location data is also transmitted to the portable system controller 12000 each time the transmitter of a responder radio 21000 is manually keyed. The responder radios 21000 also include additional location sensors, sensors that use acoustic, accelerometer, inertial navigation magnetic or RF technologies for example, to increase the reliability of position reporting for in-building communications. The command and control system 10000 includes a mapping system that presents the geographic location of

each first responder in the network to the incident commander on a two- or three-dimensional map).

Although Mason et al. fail to explicitly disclose that the first function maps *fixed* geographic locations and *fixed* alarm systems, Mason et al. does disclose a mobile system interacting with the electronic devices evacuating from the geographic locations.

According to MPEP section 2144, simply making a device or system portable, integral separable, adjustable or continuous is not sufficient (See *In re Lindberg*, 194 F.2d 732, 93 USPQ 23 (CePA 1952) (Fact that a claimed device is portable or movable is not sufficient by itself to patentably distinguish over an otherwise old device unless there are new or unexpected results.». In addition, Applicant states in Specification, page 4, lines 27-29 that the evacuation-success notification information can be received from electronic interfaces associated with fixed, tethered, *or* mobile alarm systems; the alternative can be performed, regardless of whether the system is fixed, tethered or mobile.

Applicant's response

Applicant argues that the Examiner has not made a proper rejection as required under MPEP:

706.02(j) Contents of a 35 U.S.C. 103 Rejection [R-6]

35 U.S.C. 103 authorizes a rejection where, to meet the claim, it is necessary to modify a single reference or to combine it with one or more other references. After indicating that the rejection is under 35 U.S.C. 103, the examiner should set forth in the Office action:

- (A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate,
- (B) the difference or differences in the claim over the applied reference(s),
- (C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and

(D) an explanation >as to< why >the claimed invention would have been obvious to< one of ordinary skill in the art at the time the invention was made.

"To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

Applicant argues that the Examiner has neglected to follow items (C) and (D) in the present rejection of claim 1.

Applicant will address the Examiner's assertion of MPEP section 2144.04 V. Applicant corrects the Examiner's reference to applicant's specification, which clearly and intentionally omits the word "fixed" in the teaching. Applicant states in Specification, page 4, lines 27-29 that the evacuation-success notification information can be received from **fixed** electronic interfaces associated with fixed, tethered, *or* mobile alarm systems. Applicant also reminds the Examiner that applicant's specification **may not** be used to provide motivation to support a prima facie case of obviousness or as prior art or to validate prior art unless the Examiner makes a clear statement of what is Applicant's admission of prior art.

Applicant strongly argues that the claim limitation of being "fixed" does not fall under any condition of being portable, integral separable, adjustable or continuous. The Examiner continues to ignore the new and unexpected results of applicant's fixed electronic devices having interfaces connected to fixed alarm systems. Further, the fact that applicant's device is fixed is not the only limitation that Mason fails to teach or suggest. The fixed location limitation realizes the unexpected result when combined with the evacuation-success notification information manually sent from persons interacting with the electronic devices. The unexpected result is that first responders know where **people are not**, during a disaster. Applicant argues that the only information sent by devices in Mason are where **people**

are, because they are mobile tracking devices connected to people. Applicant's device is connected to the geographic location where it is fixed, sending a positive message to responders that no person is present in the location, so efforts need not be wasted searching there. Mason's device is unable to provide said information without human assumption involved. Additionally, in the art of Mason, every person involved in a disaster would have to wear a tracking device which is not reasonable or logical.

Further, applicant asserts **MPEP 2143.01 V. THE PROPOSED MODIFICATION CANNOT RENDER THE PRIOR ART UNSATISFACTORY FOR ITS INTENDED PURPOSE**

If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. Applicant argues that any person with reasonable skill in the art made the modification to Mason of having the tracking devices fixed at geographic locations because then the devices would not be able to track any person.

As taught in applicant's specification, first responders who are often the first personnel sent in to an affected disaster zone currently have no idea if there are persons at risk in or under debris resulting from destruction of buildings during the event. Consequently, the area is searched systematically, sometimes house by house and building by building. Priority is given to buildings such as schools, workplaces, malls, airports, or other locations where there might be numbers of injured persons waiting rescue. For residences, priority is given to those residences that were partially or wholly destroyed where persons may be trapped in the debris. The only intelligence leveraged by first responders is intelligence developed post disaster by manual and visual inspection as they move through an area.

Therefore, what is clearly needed is a first-responder resource optimization system that provides an early snapshot of where persons in the path of the disaster were just before the disaster unfolded. A system such as this can reduce the time and cost of rescue and recovery efforts by enabling prioritization of search and rescue efforts to locations where no pre-intelligence of the evacuation status of persons associated to those locations was received prior to or during the disaster.

Applicant argues that the unexpected advantage not recognized in the art nor recognizable by one with skill in the art having a fixed device is that the fixed device can send information that persons are not present. Therefore, one device could indicate that multiple persons are not present and each person does not need to possess a separate device as in the art of Mason. Applicant argues that any prior art presented by the Examiner that teaches a tracking device attached to a person would always teach/suggest where a person's mobile location is at any given time and would not be sufficient to read on applicant's invention, as claimed.

Applicant argues the Examiner continues to ignore the clear terminology of evacuation as clearly taught in applicant's specification and claimed in claim 1. The independent claims clearly recite the device sends evacuation-success information and that the evacuation-success notification indicates that the persons are no longer present at the location. Evacuation is clearly defined in applicant's specification as the clearance of personnel from a given locality. The Examiner may not ignore this limitation when examining applicant's invention. This negligence constitutes a clear error on the Examiner's part.

Applicant strongly argues that the art of Mason teaches a system of tracking a device as it translates within a building or tracks the device at different locations; but always tracks the device, itself. Applicant provides a system and method that allows a person to send a notification that they will not or are not at the same location as the device and can even give a location where they will be remote from the device. In this manner, a geographic representation can be sent to a first responder indicating where persons *are not*. Responders do not have to waste time and risk personnel searching geographic locations during a disaster where persons are not located. Because Mason's device is attached to a person, detection of the device can translate to location of a person, unless the device becomes separated from the person.

Applicant believes claims 1 is clearly patentable over the art presented by the Examiner. Claim 12 includes similar limitations as claim 1 and is also patentable as argued above. Claims 2, 4-11, 13 and 15-20 are patentable on their own merits, or at least as depended from a patentable claim.

Summary

As all of the claims, argued above, have been shown to be patentable over the art presented by the Examiner, applicant respectfully requests reconsideration and the case be passed quickly to issue.

If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully Submitted,
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