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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/586,574	09/24/2009	Dennis Doyle	81201063	6311
28395	7590	09/18/2013	EXAMINER	
BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			DICKERSON, TIPHANY B	
			ART UNIT	PAPER NUMBER
			3623	
			MAIL DATE	DELIVERY MODE
			09/18/2013	PAPER

**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.

<b>Office Action Summary</b>	<b>Application No.</b> 12/586,574	<b>Applicant(s)</b> DOYLE ET AL.	
	<b>Examiner</b> TIPHANY DICKERSON	<b>Art Unit</b> 3623	<b>AIA (First Inventor to File) Status</b> No

-- 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 31 January 2013.  
 A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on \_\_\_\_\_.
- 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) 1-16, 19 and 20 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) 1-16, 19 and 20 is/are rejected.
- 8)  Claim(s) \_\_\_\_\_ 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](http://www.uspto.gov/patents/init_events/pph/index.jsp) or send an inquiry to [PPHfeedback@uspto.gov](mailto: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).

**Certified copies:**

- a)  All    b)  Some \*    c)  None of the:
    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)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 4)  Other: \_\_\_\_\_

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**DETAILED ACTION**

1. In view of the Appeal Brief filed on 01/31/2013, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Peter Choi/

Supervisory Patent Examiner, Art Unit 3683

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2. Claims 1-16 and 19-20 are pending.
3. This application is a continuation of US Application No. 10/770,145 filed on February 2, 2004, now US 7,613,627.

### *Response to Arguments*

4. The **35 USC § 103(a) rejection** of claims 1-9 as being unpatentable over Wepfer et al. (US 2003/0065522) is **not withdrawn** in light of Applicants' remarks.

First, Applicant argues, "Wepfer fails to teach...electronically receiving a notification to indicate that the technician received the repair order information; electronically generating an electronic inspection form including a questionnaire for the technician to input inspection in response to the notification[.] (Br. 4). Examiner respectfully disagrees.

Citing paragraphs [12-13], the Applicants argue, "...the information input in response to the prompt of Wepfer [sic] corresponds to information related to work that has been performed or that service has been performed. Rather, claim 1 requires the notification to be received such that system can then generate an electronic inspection form in response to the notification so that the inspection can be performed (i.e., electronic notification is required to generate the inspection form and to hence initiate any service therefrom). (Br. 6). In response, paragraph [11] describes that initially orders for maintenance and or repair work are input into the system including a description of the customer requesting work, the work desired, and location and timing information. Thus, essentially a customer request for service is first entered. Then, a technician is assigned to the

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work order and the technician is prompted to enter information on a questionnaire-style screen as depicted, for example in Figures 6 and 7. Wepfer meets the limitation requiring electronically receiving a notification. However, also note that Figure 6 also shows “Work Instructions” to be performed by the technician (Fig. 6, Ele. 260). Further, paragraph [13] describes the potential types of data that the technician may enter about the work request, but the list includes non-limiting examples.

Regarding the Claims 4 and 9, a new ground of rejection has been raised below.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of 35 U.S.C. 112(b):

(b) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 7-15 are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention.

Regarding claims 7 and 10, neither the claimed invention nor the specification describes what actions are meant by determining whether the electronic appended order is available to print. The examiner interprets this limitation as providing a printing function. The respective dependent claims are rejected for similar reasons.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of pre-AIA 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 –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**6. Claims 1, 16, 19 and 20 are rejected under pre-AIA 35 U.S.C. 102(a) or 102(e) as being anticipated by Wepfer et al. (US 2003/0065522).**

**Concerning claim 1**, Wepfer discloses the method for collecting and communicating inspection information for a vehicle, the method comprising:

electrically transmitting repair order information from an original electronic repair order to initiate a repair on the vehicle, the repair order information designating a technician to perform the repair (Wepfer, [10-15], describing an overview of the process, which includes an original work/repair order request, assigning the work, and transmitting the service order to appropriate technician; [41-42], customer and service order information is supplied, the system automatically recalls existing customer and service orders; Note: *the repair order information designating a technician to perform the repair*, merely describes the contents of data on a sheet of paper and does not impact the functionality of the process involve);

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electronically receiving a notification to indicate that the technician received the repair order information (Wepfer, [12-13], i.e., the technician is *prompted* to enter work information such as work performed after the work order has been assigned to a service technician).

electronically generating an electronic inspection form including a questionnaire for the technician to input inspection information in response to the notification (Wepfer, [13], in response to prompt, the technician enters work performed into the form; See also, Fig. 6, 7, 8, displaying an electronically generated form; [83], discussing Fig. 13, displaying a safety checklist of items that must be inspected based on the particular mechanism being repaired; Note: *for the technician to input inspection information in response to the notification, is regarded as an intended use limitation*);

electronically receiving into the electronic inspection form the inspection information (Wepfer, [12-13], i.e., enter work information such as work performed after the work order has been assigned to a service technician; [39], receive and entering information with mobile PDA); and

determining that the electronic inspection form is complete based on whether one of the electronic inspection form has been generated and the inspection information is received (Wepfer, [86], when technician finishes the information is transmitted; [88], process is completed; [49], the date closed, i.e., completion will not be able to be entered into Fig. 5 until all fields have been completed).

**Concerning claim 16**, Wepfer discloses the method comprising:

electronically transmitting repair information from an original repair order, the repair information designating a technician to perform a repair on a vehicle (Wepfer, [11-12], i.e., work

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requested entered into computerized system, work assigned to technician which is connected to the network);

receiving an electronic notification from to indicate that the technician received the repair information (Wepfer, [12-13], i.e., the technician is *prompted* to enter work information such as work performed after the work order has been assigned to a service technician);

generating an electronic inspection form in response to the electronic notification, the electronic inspection form including a questionnaire for the technician to input inspection information (Wepfer, [13], in response to prompt, the technician enters work performed into the form; See also, Fig. 6, 7, 8, displaying an electronically generated form; [83], discussing Fig. 13, displaying a safety checklist of items that must be inspected based on the particular mechanism being repaired); and

electronically receiving into the electronic inspection form the inspection information (Wepfer, [12-13], i.e., enter work information such as work performed after the work order has been assigned to a service technician; [39], receive and entering information with mobile PDA).

**Concerning claim 19**, Wepfer discloses the method of claim 16 further comprising determining that the electronic inspection form is complete based on whether the inspection information is received (Wepfer, [86], when technician finishes the information is transmitted; [88], process is completed; [49], the date closed, i.e., completion will not be able to be entered into Fig. 5 until all fields have been completed).

**Concerning claim 20**, Wepfer discloses the method of claim 19 further comprising generating a count for the technician indicating that the electronic inspection form is complete in response to determining that the inspection information is received (Wepfer, [86], when



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technician finishes the information is transmitted; [88], process is completed; [49], the date closed, i.e., completion will not be able to be entered into Fig. 5 until all fields, most notably the safety inspection screen has been completed).

### ***Claim Rejections - 35 USC § 103***

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.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**7. Claim 2-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wepfer et al. (US 2003/0065522) in view of Beamon (US 2005/0111628).**

**Concerning claim 2**, Wepfer does not explicitly disclose the method of claim 1 further comprising generating a count for the technician indicating that the electronic inspection form is complete in response to determining that the one of the electronic inspection form has been generated and the inspection information is received.

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However, Beamon discloses technician dispatching system which involves incrementing the count for the technician to generate a technician based metric corresponding to a number of electronic inspection forms processed with a complete inspection each time it is determined that the one of the electronic inspection form has been generated and the inspection information is received (Beamon, [12], discussing methods of measuring technician proficiency, such as by simply counting the number of work orders a technician completed).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include a counter of the number of work orders processed as taught by Beamon in the system of Wepfer, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**Concerning claim 3**, Wepfer in view of Beamon discloses the method of claim 2 further comprising executing the steps of (i) electrically transmitting the repair order information from an original electronic repair order to initiate a repair on the vehicle (Wepfer, [10-15], describing an overview of the process, which includes transmitting data; [41-42], customer and service order information is supplied, the system automatically recalls the previously accessed customer and service orders); (ii) electronically receiving the notification (Wepfer, [12-13], i.e., the technician is *prompted* to enter work information such as work performed after the work order has been assigned to a service technician); (iii) electronically generating the electronic inspection form (Wepfer, Fig. 6, 7, 8, displaying an electronically generated form; See also, [83], discussing Fig. 13, displaying a safety checklist of items that must be inspected based on the particular

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mechanism being repaired); (iv) electronically receiving into the electronic inspection form the inspection information (Wepfer, [12], [39], receive and enter information with mobile PDA);; and (v) determining that the electronic inspection form is complete one or more times received (Wepfer, [86], when technician finishes the information is transmitted; [88], process is completed; [49], the date closed, i.e., completion will not be able to be entered into Fig. 5 until all fields, most notably the safety inspection screen has been completed).

**Concerning claim 4**, Wepfer does not disclose however Beamon discloses the method of claim 3 further comprising incrementing the count for the technician to generate a technician based metric corresponding to a number of electronic inspection forms processed with a complete inspection each time it is determined that the one of the electronic inspection form has been generated and the inspection information is received (Beamon, [12], discussing methods of measuring technician proficiency, such as by simply counting the number of work orders a technician completed) The motivation to combine is the same as provided in claim 2.

**Concerning claim 5**, Wepfer in view of Beamon discloses the method of claim 1 wherein the notification corresponds to a repair order number that is associated with the original repair order (Wepfer, [41], i.e., the system automatically recalls the previously accessed customer and service repair order information).

**Concerning claim 6**, Wepfer in view of Beamon discloses the method of claim 1 wherein electronically receiving into the electronic inspection form the inspection information further comprises causing the original electronic repair order to be appended with at least a portion of the inspection information to obtain an electronic appended order (Wepfer, [41], i.e.,

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the system automatically recalls the previously accessed customer and service repair order information).

**Concerning claim 7**, Wepfer in view of Beamon discloses the method of claim 6 further comprising determining whether the electronic appended order is available to print (Wepfer, [36], “...in an alternate embodiment, a printer can be included so that a printed copy of the service order is available if desired”; [85-86], the technician can choose to print the service order incorporating the entered data (i.e., appended order), and the updating function determines whether the technician has made changes—where printout will include the changes).

**Concerning claim 8**, Wepfer in view of Beamon discloses the method of claim 7 further comprising executing the steps of causing the original electronic repair order to be appended with the at least a portion of the inspection information to obtain the electronic appended order and determining whether the electronic appended order is available to print one or more times (Wepfer, [85], i.e., print function and [86], i.e., the updating function determines whether the technician has made changes—where printout will include the changes).

**Concerning claim 9**, Wepfer does not disclose, however Beamon discloses determining a value for a cashier based metric which corresponds to a number of printed electronic appended repair orders based on the number of times the steps of causing the original electronic repair order to be appended with the at least a portion of the inspection information to obtain the electronic appended repair order and determining whether the electronic appended repair order is available to print are executed. (Beamon, [61], i.e., application that counts all customer trouble reports since a specific work order was issued or completed. This metric is interpreted as

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cashier-based because it represents the number of times a work order has been updated or re-worked which may reflect on a worker quality of performance.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include an employee metric based on the times an issue has been “touched” or re-worked as taught by Beamon in the system of Wepfer to reflect worker efficiency. Further, the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**Concerning claim 10**, Wepfer in view of Beamon discloses a computer-implemented method for collecting and communicating inspection information for a mechanism, the method comprising:

electronically transmitting repair order information from an original electronic repair order to initiate a repair on the mechanism (Wepfer, [10-15], describing an overview of the process, which includes transmitting data; [41-42], customer and service order information is supplied, the system automatically recalls the previously accessed customer and service orders);

electronically generating an electronic inspection form including a questionnaire for inputting inspection information (Wepfer, Fig. 6, 7, 8, displaying an electronically generated form; See also, [83], discussing Fig. 13, displaying a safety checklist of items that must be inspected based on the particular mechanism being repaired);

electronically receiving the inspection information (Wepfer, [12], [39], receive and entering information with mobile PDA);

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causing the original electronic repair order to be appended with at least a portion of the received inspection information to obtain an electronic appended repair order (Wepfer, [41], system automatically recalls previously accessed order and [86], i.e., technician may add and/or delete info);

determining whether the electronic appended repair order is available to print (Wepfer, [36], "...in an alternate embodiment, a printer can be included so that a printed copy of the service order is available if desired"; [85-86], the technician can choose to print the service order incorporating the entered data (i.e., appended order), and the updating function determines whether the technician has made changes—where printout will include the changes);

executing the steps of causing the original electronic repair order to be appended with the at least a portion of the received inspection information and determining whether the electronic appended repair order is available to print one or more times (Wepfer, [36], "...in an alternate embodiment, a printer can be included so that a printed copy of the service order is available if desired"; [85-86], the technician can choose to print the service order incorporating the entered data (i.e., appended order), and the updating function determines whether the technician has made changes—where printout will include the changes); and

Wepfer does not disclose, however Beamon discloses determining a value for a cashier based metric which corresponds to a number of printed electronic appended repair orders based on the number of times the steps of causing the original electronic repair order to be appended with the at least a portion of the received inspection information and determining whether the electronic appended repair order is available to print is executed (Beamon, [61], i.e., application that counts all customer trouble reports since a specific work order was issued or completed.

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This metric is interpreted as cashier-based because it represents the number of times a work order has been updated or re-worked which may reflect on a worker quality of performance).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include an employee metric based on the times an issue has been “touched” or re-worked as taught by Beamon in the system of Wepfer to reflect worker efficiency. Further, the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**Concerning claim 11**, Wepfer in view of Beamon discloses the method of claim 10 wherein the repair order information designating a technician to perform the repair (Wepfer, [10], service orders are assigned).

**Concerning claim 12**, Wepfer in view of Beamon discloses the method of claim 11 further comprising electronically receiving a notification to indicate that the technician received the repair order information prior to electronically generating the electronic inspection form (Wepfer, [12-13], i.e., the technician is *prompted* to enter work information such as work performed after the work order has been assigned to a service technician).

**Concerning claim 13**, Wepfer in view of Beamon discloses the method of claim 12 wherein electronically generating the electronic inspection form further comprises electronically generating the electronic inspection form including a questionnaire for the technician to input inspection information in response to the notification (Wepfer, Fig. 6, 7, 8, displaying an electronically generated form; See also, [83], discussing Fig. 13, displaying a safety checklist of items that must be inspected based on the particular mechanism being repaired).

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**Concerning claim 14**, Wepfer in view of Beamon discloses the method of claim 13 further comprising determining that the electronic inspection form is complete based on whether one of the electronic inspection form has been generated and the inspection information is received (Wepfer, [86], when technician finishes the information is transmitted; [88], process is completed; [49], the date closed, i.e., completion will not be able to be entered into Fig. 5 until all fields have been completed).

**Concerning claim 15**, Wepfer in view of Beamon discloses the method of claim 14 further comprising generating a count for the technician indicating that the electronic inspection form is complete in response to determining that the one of the electronic inspection form has been generated and the inspection information is received (Wepfer, [86], when technician finishes the information is transmitted; [88], process is completed; [49], the date closed, i.e., completion will not be able to be entered into Fig. 5 until all fields have been completed).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIPHANY DICKERSON whose telephone number is (571)270-7048. The examiner can normally be reached on M-F 10:00AM-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571)272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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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.

/T. D./  
Examiner, Art Unit 3623