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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/881,602	01/26/2018	Ammar Al-Ali	MAS.780R1	9078
			EXAM	IINER
15/881,602 01/26/2018 Ammar Al-Ali	FLANAGAN, BEVERLY MEINDL			
FOURTEENTI	H FLOOR		ART UNIT	PAPER NUMBER
IRVINE, CA 92	2614		3993	
			NOTIFICATION DATE	DELIVERY MODE
			06/27/2018	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):

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	Application No. 15/881,602	Applicant(s) AL-ALI, AMMAR	
Office Action Summary	Examiner BEVERLY M. FLANAGAN	Art Unit 3993	AIA (First Inventor to File) Status No
The MAILING DATE of this communication app	pears on the cover sheet with the	e corresponder	nce address
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPL FHIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	uill apply and will expire SIX (6) MONTHS from cause the application to become ABANDC	e timely filed om the mailing date NED (35 U.S.C. § 1:	of this communication. 33).
Status			
1) Responsive to communication(s) filed on A declaration(s)/affidavit(s) under 37 CFR 1.		<u>.</u>	
·—	s action is non-final.		
 3) An election was made by the applicant in resp; the restriction requirement and election 4) Since this application is in condition for allowa closed in accordance with the practice under I 	n have been incorporated into the name of the have been incorporated into the have been incorporated into the have been incorporated in the have been incorporated in the have been incorporated in the have been incorporated into the have been incorporated in the have been	nis action. prosecution as	to the merits is
Disposition of Claims*			
5) Claim(s) 1-23 is/are pending in the application 5a) Of the above claim(s) is/are withdra 6) Claim(s) 1-7 and 12-17 is/are allowed. 7) Claim(s) 8-10 and 19-23 is/are rejected. 8) Claim(s) 11 is/are objected to. 9) Claim(s) are subject to restriction and/of if any claims have been determined allowable, you may be exarticipating intellectual property office for the corresponding antito://www.uspto.gov/patents/init_events/pph/index.jsp or send application Papers 10) The specification is objected to by the Examine 11) The drawing(s) filed on is/are: a) according to the corresponding and the	wn from consideration. or election requirement. ligible to benefit from the Patent P application. For more information, p d an inquiry to PPHfeedback@uspt	lease see o.gov.	hway program at a
Applicant may not request that any objection to the Replacement drawing sheet(s) including the correc			
Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign Certified copies: a) All b) Some** c) None of the: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority document application from the International Bureat* See the attached detailed Office action for a list of the certified copies.	nts have been received. Ints have been received in Applic Pority documents have been rece U (PCT Rule 17.2(a)).	cation No	
Attachment(s) Notice of References Cited (PTO-892)	3) 🔲 Interview Summa		
P) X Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/	SB/08b) — Paper No(s)/Mail	Date	



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DETAILED ACTION

AIA - Reissue

The present *reissue* application was filed on or after September 16, 2012 and therefore is being examined under the current AIA *reissue* provisions of 35 USC 251 and 37 CFR 1,172, 1,175 and 3.73.¹

Related Proceedings

Applicant is reminded of the continuing obligation under 37 CFR 1.178(b), to timely apprise the Office of any prior or concurrent proceeding in which Patent No. 9,775,570 is or was involved. These proceedings would include interferences, reissues, reexaminations, and litigation.

Applicant is further reminded of the continuing obligation under 37 CFR 1.56, to timely apprise the Office of any information which is material to patentability of the claims under consideration in this reissue application.

These obligations rest with each individual associated with the filing and prosecution of this application for reissue. See also MPEP §§ 1404, 1442.01 and 1442.04.

¹ It is noted that while the examination of the current reissue application falls under the pre-AIA first to invent provisions due to the filing date of US Patent No. 9,775,570; the application for reissue filing date is after September 16, 2012 and therefore is subject to the reissue rule changes enacted under the Leahy-Smith American Invents Act (AIA), see Federal Register, Vol. 77, No. 157, pg. 48820, August 16, 2012.



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Preliminary Amendment

Applicant's preliminary amendment filed January 26, 2018 has been entered and made of record. Claims 1-4, 6, 8 and 10-16 are amended. Claims 5, 7, 9, 17 and 18 remain as originally patented. Claims 19-23 are newly presented.

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.

Claims 1-7 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.

Claim 1 recites the limitation "at least *first* oxygen saturation value" in lines 24 and 27. There is insufficient antecedent basis for this limitation in the claim. As claims 2-7 depend from claim 1 they are likewise rejected.

Claim Rejections - 35 USC § 102/103

In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of



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rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

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:

(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.

The following is a quotation of pre-AIA 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, 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 negatived by the manner in which the invention was made.

Claim(s) 8-10 and 19-23 is/are rejected under pre-AIA 35 U.S.C. 102 (b) as anticipated by or, in the alternative, under pre-AIA 35 U.S.C. 103(a) as obvious over Baker, Jr. (U.S. Patent Application Publication No. 2009/0247848).

In regard to claims 8-10 and 19-23, Baker, Jr. teaches a system for reducing nuisance alarms where the system is a pulse oximetry system 10 that includes a sensor 12 and a pulse oximetry monitor 14 where the sensor 12 includes an emitter 16 for emitting light into a patient's tissue and a detector 18 is provided in the sensor 12 for detecting light originating from the emitter 16 (see para. 0023 and Fig. 1). In one method, the receive data operation 602 includes receiving an electronic signal from a sensor and processing that signal to generate data (see para. 0049 and Fig. 6). The received data are analyzed in the generate estimate operation 604 and one or more statistical parameters describing the data are calculated in the calculated statistical



DOCKET

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