

(A)

(Just barely. Be more specific / expect w/ claim limitations)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Ray Brightly

Examiner: Daniel Nile

Application No.: 12/345,678

Group Art Unit: 2349

Filed: 03/28/2013

Attorney Docket No.: 5663 ✓

For: SYSTEM AND METHOD FOR LIGHTING

Confirmation No.: 1234

AMENDMENT

Mail Stop Amendment
Commissioner for Patents ✓
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Examiner Nile:

This Amendment is in response to the Office Action mailed April 4, 2013. This ✓
Amendment is timely because it is being submitted within the unextended period for
reply which expires July 4, 2013. Please enter and consider the following:

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS

1. (Currently Amended) A method for emitting light, said method including:
selecting a data representing a stored wavelength of light,
wherein said selecting is performed using a data communication device, wherein
said data representing a stored wavelength of light is stored in a memory, wherein
said data communication device is electronically connected to a wireless
transmitter;
retrieving said data representing a stored wavelength of light from said memory; ✓
transmitting said data representing a stored wavelength of light,
wherein said transmitting is performed by said wireless transmitter,
receiving said data representing said stored wavelength of light,
wherein said receiving is performed by a wireless receiver,
wherein said wireless receiver communicates with an electrical lamp; and
emitting light from said electrical lamp in response to receiving said data
representing said stored wavelength of light by said wireless receiver,
wherein said emitting is performed at a wavelength of light represented by said
data representing a stored wavelength of light.

2. (Original) The method of claim 1, wherein said emitting light from said electric lamp in response to receiving said data representing said stored wavelength of light is performed by emitting light at a wavelength in the violet range.

3. (Original) The method of claim 1, wherein said emitting light from said electric lamp in response to receiving said data representing said stored wavelength of light is performed by emitting light at a wavelength in the ultraviolet range.

4. (Original) The method of claim 1, further including:
selecting a length of time, wherein said selecting is performed using said data communication device,
transmitting a data representing said length of time,
wherein said transmitting is performed by said wireless transmitter,
receiving said data representing said length of time,
wherein said receiving is performed by said wireless receiver,
wherein said wireless receiver communicates with said electrical lamp and a timer; and
emitting light from said electrical lamp in response to receiving said data representing said stored wavelength of light by said wireless receiver,
wherein said emitting is performed at said wavelength of light represented by said data representing said stored wavelength of light,

wherein said emitting is performed for said length of time represented by said data representing said length of time.

5. (Original) A lighting system including:

a data communication device including:

a memory, wherein a plurality of data representing a preset wavelength of light is stored in said memory;

a user interface, wherein an option for a selection of said data is displayed, wherein said selection is one of said plurality of data representing a preset wavelength of light,

and

a transmitter, wherein said transmitter transmits said selection of said data;

a network transceiver, wherein said network transceiver receives said selection of said data and in response to said receipt of said selection of said data, said network transceiver transmits said selection of said data; and

a lighting device including:

an electrical lamp; and

a receiver, wherein said receiver receives said selection of said data from said network transceiver and in response to the receipt of said selection of said data, said electrical lamp emits light at a wavelength of light represented by said selection of said data.

6. (Original) The lighting system of claim 5, further including a server wherein said server contains a data representing a wavelength of light that had previously been selected; wherein said transmitter sends a data request to said network transceiver; wherein in response to receipt of said data request, said network transceiver transmits said data request to said server; wherein in response to receipt of said data request, said server retrieves data representing a wavelength of light that had previously been selected, wherein said server transmits said data representing a wavelength of light that had previously been selected to said network transceiver;

wherein in response to the receipt of said data representing a wavelength of light that had previously been selected, said network transceiver transmits said data representing a wavelength of light that had previously been selected to said receiver of said lighting device; wherein in response to receipt of said data representing a wavelength of light that had previously been selected, said electrical lamp emits light at a wavelength of light represented by said data representing a wavelength of light that had previously been selected.

7. (Original) The lighting system of claim 5, wherein said user interface of said data communication device allows a selection of a time;

and wherein, in response, said transmitter of said data communication device transmits said data representing one of said plurality of preset wavelengths of light at said time represented in said selection of a time.

8. (Original) The lighting system of claim 5, wherein said user interface of said data communication device allows a selection of a time; wherein in response, said electric lamp of said lighting device transitions from emitting light at a wavelength said electric lamp was emitting before said selection of time to emitting light at a wavelength represented by said selection of said data by the end of said time represented in said selection of time.

9. (Original) The lighting system of claim 5, wherein said lighting device is a Wi-Fi enabled adjustable color LED light bulb.

10. (Currently Amended) A lighting system including:
a monitoring device including:

a sensor that monitors a physiological data parameter, wherein said sensor collects a data representing said physiological data parameter; and

a transmitter, wherein said transmitter transmits said data representing a data parameter;

a an external server, wherein data representing a set of values for said physiological data parameter and data representing a wavelength of light is stored, wherein said external server receives said data representing a physiological data parameter from said transmitter, wherein said data representing a physiological data parameter is compared to said data representing a set of values for said physiological data parameter, wherein in response to said data representing a physiological data parameter differing from said values represented by said data

representing a set of values for said physiological data parameter, said external

server transmits said data representing a wavelength of light; and

a lighting device including:

an electrical lamp; and

a receiver, wherein said receiver receives said data representing a wavelength of light transmitted by said external server and in response, said electrical lamp emits light at a wavelength represented by said data representing a wavelength of light.

11. (Original) The lighting system of claim 11, wherein said physiological data parameter is blood pressure.

12. (Currently Amended) The lighting system of claim 11, further including a global positioning system, wherein said external server transmits said light wavelength data only when said global positioning system is located in a predetermined area.

13. (Currently Amended) The lighting system of claim 11, wherein, in response to said data representing a physiological data parameter not matching one of said values represented by said data representing a set of values for said physiological data parameter, said external server transmits data representing an audio file to said network transceiver; wherein in response to receiving said data representing an audio file, said network transceiver transmits said data

representing an audio file; and wherein said data communication device further includes:

a receiver, wherein said data representing said audio file is received from said network transceiver; and

a speaker, wherein in response to receiving said data representing said audio file at the receiver, said speaker plays said audio file represented by said data representing said audio file.

14. (Original) The lighting system of claim 11, wherein said physiological data parameter is a physiological measurement for depression.

15. (Original) The lighting system of claim 11, wherein said monitoring device is an iHealth wireless blood pressure wrist monitor.

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REMARKS

The present application includes claims 1-15. Claims 1-15 were rejected. By this Amendment, claims 1, 10, 12-13 have been amended.

Claims 1-4 were rejected under 35 U.S.C. §102(a) as being anticipated by *LIFX: The Light Bulb Reinvented*, <http://www.kickstarter.com/projects/limemouse/lifx-the-light-bulb-reinvented>, published September 15, 2012.

no prior art in file

Claims 5-9 were rejected under 35 U.S.C. §102(b) as being anticipated by Weaver, U.S. Pat. App. No. 2013/0043809.

Claims 10-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weaver, U.S. Patent U.S. Pat. App. No. 2013/0043809, in view of Rahman, U.S. Pat. App. No. 2012/0316458.

add prior art for

The Applicant now turns to the rejection of claims 1-4 under 35 U.S.C. § 102(a) as being anticipated by *LIFX: The Light Bulb Reinvented*. *LIFX: The Light Bulb Reinvented* teaches a WiFi enabled, multi-color, energy efficient LED light bulb that can be controlled with a smartphone. A wavelength of light is selected by scrolling through a color wheel, and the LED light bulb emits light at the wavelength of light selected.

LIFX: The Light Bulb Reinvented does not teach a data representing a wavelength of light that is stored on a memory that can be selected and then retrieved from that memory. As mentioned above, and demonstrated in the video in the *LIFX: The Light Bulb Reinvented* reference, a wavelength of light is selected by scrolling through a color

✓

wheel and not through the selection and retrieval of a stored wavelength of light stored in a memory.

As amended, claim 1 recites a selection of data representing a stored wavelength of light “wherein said data representing a stored wavelength of light is stored in a memory” and “retrieving said data representing a stored wavelength of light from said memory.” As mentioned above, the *LIFX: The Light Bulb Reinvented* reference does not teach a data representing a wavelength of light that is stored on a memory that can be selected and then retrieved from that memory. Consequently, claim 1 is respectfully submitted as not anticipated by *LIFX: The Light Bulb Reinvented* and allowable.

✓ good!
✓ specific
✓ claim
✓ limitations

Additionally, claims 2-4 depend on claim 1 and therefore include all the limitations of claim 1. Consequently, claims 2-4 are also submitted to be allowable.

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The Applicant now turns to the rejection of claims 5-9 under 35 U.S.C. § 102(b) as being anticipated by Weaver. The Weaver publication date is February 21, 2013. This is less than one year prior to the date of the present application, March 28, 2013. Therefore, claims 5-9 are respectfully submitted to be allowable because Weaver is not prior art under 35 U.S.C. § 102(b).

good job
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The Applicant now turns to the rejection of claims 10-15 under 35 U.S.C. § 103(a) as being unpatentable over Weaver in further view of Rahman.

Weaver teaches a lighting node system in which color profiles are stored in a memory of a controller. The color profiles are selected on the controller and transmitted

through radio communication to a lighting device. The lighting device receives the transmission and generates illumination that represents the color profile.

Weaver does not teach an external server on which data representing a wavelength of light is stored. As mentioned above, and demonstrated in Figures 1, 2a, 3a, 4 and 6, Weaver teaches a lighting node system in which color profiles are stored in a memory of a controller.

Rahman teaches a data-capable band for medical diagnosis, monitoring, and treatment. It does not teach an external server on which data representing a wavelength of light is stored.

Therefore, neither Weaver nor Rahman teach an external server on which data representing a wavelength of light is stored.

As amended, claim 10 recites “an external server” wherein “data representing a wavelength of light is stored.” As mentioned above, neither Weaver nor Rahman teach data representing a wavelength of light stored on an external server. Therefore, unlike in KSR, in which two previously known claim elements were combined, claim 10 contains a new claim element, an external server on which data representing a wavelength of light is stored.

Although the PTO’s published guidelines of October 10, 2007 outline seven other rationales that may support a conclusion of obviousness under 35 U.S.C. § 103(a), all of them fail here, as discussed below. These rationales include:

- (a) Combining prior art elements according to known methods to yield predictable results;

Probably a little too aggressive for here

- (b) Simple substitution of one known element for another to obtain predictable results;
- (c) Use of known technique to improve similar devices (methods, or products) in the same way;
- (d) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;
- (e) “Obvious to try” –choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success;
- (f) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art.
- (g) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

Rationale A fails because claim 10 recites an external server on which data representing a wavelength of light is stored, which does not appear in the prior art. Therefore, the prior art does not contain each element claimed, as required by rationale A so rationale A fails.

Similarly, rationale B fails because it requires the substitution of one known element for another. Here, the external server on which data representing a wavelength of light is stored is not a known element so rationale B fails.

Rationales C and D fail as well. Both rationales C and D require specific findings to be made by the examiner. The examiner did not articulate findings that there was a base device that is modified using a known technique or in the same way as another known device as required. Thus, rationales C and D fail.

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Rationale E also fails. An external server on which data representing a wavelength of light is stored is not contained in the prior art and therefore cannot be one of a finite number of identifiable solutions as required by rationale E.

Rationale F also fails. There was no showing that an external server on which data representing a wavelength of light is stored was known variation in the prior art as required by rationale F.

Rationale G also fails. There was no teaching of an external server on which data representing a wavelength of light is stored in the prior art as required by rationale G.

Therefore, both the TSM test and other rationales identified by the PTO fail to support a finding of obviousness. Thus, claim 10 is submitted to be allowable. ✓

In addition claims 11-15 are dependent on claim 10 and therefore include all of the limitations of claim 10. Claims 12-13 have been amended to reflect the external server language as amended in claim 10. Consequently, claims 11-15 are also submitted as allowable.

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CONCLUSION

If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of Firm, Account No. 11111111.

Respectfully submitted,

Date: 4/11/13

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