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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/013,770	06/25/2016	7234262	Phazzer001	2132
49754	7590	11/08/2016	EXAMINER	
TASER INTERNATIONAL, INC. 17800 N. 85TH STREET SCOTTSDALE, AZ 85255-9603			KAUFMAN, JOSEPH A	
			ART UNIT	PAPER NUMBER
			3993	
			MAIL DATE	DELIVERY MODE
			11/08/2016	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.



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

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EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/013,770.

PATENT NO. 7234262.

ART UNIT 3993.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Office Action in Ex Parte Reexamination	Control No. 90/013,770	Patent Under Reexamination 7234262	
	Examiner JOSEPH KAUFMAN	Art Unit 3993	AIA (First Inventor to File) Status No

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

- a. Responsive to the communication(s) filed on ____ .
 A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____ .
- b. This action is made FINAL.
- c. A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire 2 month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c)**. If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 3. <input type="checkbox"/> Interview Summary, PTO-474. |
| 2. <input type="checkbox"/> Information Disclosure Statement, PTO/SB/08. | 4. <input type="checkbox"/> ____. |

Part II SUMMARY OF ACTION

- 1a. Claims 1-18 are subject to reexamination.
- 1b. Claims ____ are not subject to reexamination.
2. Claims ____ have been canceled in the present reexamination proceeding.
3. Claims ____ are patentable and/or confirmed.
4. Claims 1-18 are rejected.
5. Claims ____ are objected to.
6. The drawings, filed on ____ are acceptable.
7. The proposed drawing correction, filed on ____ has been (7a) approved (7b) disapproved.
8. Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of the certified copies have
1 been received.
2 not been received.
3 been filed in Application No. ____ .
4 been filed in reexamination Control No. ____ .
5 been received by the International Bureau in PCT application No. ____ .
- * See the attached detailed Office action for a list of the certified copies not received.
9. Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate 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.
10. Other: ____

cc: Requester (if third party requester)

Notice of Pre-AIA or AIA Status

The present application is being examined under the pre-AIA first to invent provisions.

Service of Papers

After the filing of a request for reexamination by a third party requester, any document filed by either the patent owner or the third party requester must be served on the other party (or parties where two or more third party requester proceedings are merged) in the reexamination proceeding in the manner provided in 37 CFR 1.248. See 37 CFR 1.550(f).

Extensions of Time

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that *ex parte* reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extensions of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

Amendment in Reexamination Proceedings

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Patent owner is notified that any proposed amendment to the specification and/or claims in this reexamination proceeding must comply with 37 CFR 1.530(d)-(j), must be formally presented pursuant to 37 CFR 1.52(a) and (b), and must contain any fees required by 37 CFR 1.20(c).

Submissions

In order to insure full consideration of any amendments, affidavits or declarations or other documents as evidence of patentability, such documents must be submitted in response to the first Office action on the merits (which does not result in a close of prosecution). Submissions after the second Office action on the merits, which is intended to be a final action, will be governed by the requirements of 37 CFR 1.116, after final rejection and by 37 CFR 41.33 after appeal, which will be strictly enforced.

Notification of Concurrent Proceedings

The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a), to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 7,234,262 throughout the course of this reexamination proceeding. Likewise, if present, the third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

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Claim Rejections - 35 USC § 103

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 negated by the manner in which the invention was made.

Claims 1-3, 5-7, 9-11, 13-15, 17 and 18 is/are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Murray (U.S. Patent No. 5,654,867) in view of Harthcock (U.S. Patent No. 5,303,495).

Murray shows a stun type weapon 10 that uses electrical charge to interfere with the muscles of the target, the weapon having replaceable cartridges 60, wire-tethered darts 27, trigger 32, propellant 78; receiver 20 for the cartridges; and power supply 40 that conducts a high level voltage through the dart. Murray lacks the microprocessor and its associated functions. Harthcock shows a weapon that has a controller 31 with microprocessor 32 that tracks and records date and time of firing based on a signal (col. 5, lines 54-57), activates the power (column 5, lines 43-49) based on activation of the trigger; and memory discussed in column 5, lines 21-36. It would have been obvious to one of ordinary skill in the art to provide the controller/microprocessor with the above functions as taught by Harthcock on the device of Murray in order to assist investigators reconstruct crimes using data provided by the weapon itself which would increase the ability to confirm/contradict stories of the event, therefore improving reliability of an investigation. Further, it would have been obvious to program the optimal time/period (i.e. 7 sec.) for the device to be sending a charge in order to best incapacitate the target

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while attempting to minimize any permanent harm. Note, recording multiple actuations of the device would have been obvious in order to see a fuller history of use of the weapon.

Claims 4, 8, 12 and 16 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Murray as modified by Harthcock as applied to claims 1, 6, 9 and 14 above, and further in view of Mangolds et al.

Murray and Harthcock have been discussed in detail above, but lack the range of pulses per second. Mangolds et al. teaches a range of 1-20 pulses per second being applied to a target (overlapping the claimed 2-40 pulses). It would have been obvious to one of ordinary skill in the art to set a range for pulses at an optimal level as taught by Mangolds et al. in order to best incapacitate a target.

Conclusion

All correspondence relating to this *ex parte* reexamination proceeding should be directed as follows:

Please mail any communications to:

By EFS: Registered users may submit via the electronic filing system EFS-Web, at <https://efs.uspto.gov/efile/myportal/efs-registered>.

By Mail to: Attn: Mail Stop "Ex Parte Reexam"
Central Reexamination Unit
Commissioner for Patents
United States Patent & Trademark Office
P. O. Box 1450
Alexandria VA 22313-1450

By FAX to: (571) 273-9900
Central Reexamination Unit

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By Hand: Customer Service Window
Attn: Central Reexamination Unit
Randolph Building, Lobby Level
401 Dulany Street
Alexandria, VA 22314

For EFS-Web transmissions, 37 CFR 1.8(a)(1)(i)(C) and (ii) states that correspondence (except for a request for reexamination and a corrected or replacement request for reexamination) will be considered timely if (a) it is transmitted via the Office's electronic filing system in accordance with 37 CFR 1.6(a)(4), and (b) includes a certificate of transmission for each piece of correspondence stating the date of transmission, which is prior to the expiration of the set period of time in the Office action.

Any inquiry concerning this communication or earlier communications from the Reexamination Legal Advisor or Examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

Signed:

/Joseph A. Kaufman/
Joseph A. Kaufman
Primary Examiner
Art Unit 3993
(571) 272-4928

Conferees:/EDL/ /JLG/