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 Intent to Issue
Ex Parte Reexamination Certificate

Control No. 90/012,612
Examiner ADAM BASEHOAR
Art Unit 3992

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

1. Parsing on the merits is (or remains) closed in this ex parte reexamination proceeding. This proceeding is subject to reopening at the initiative of the Office or upon petition. Cf. 37 CFR 1.313(a). A Certificate will be issued in view of
(a) ☑ Patent owner's communication(s) filed: 03 May 2013.
(b) ☐ Patent owner's failure to file an appropriate timely response to the Office action mailed: ______.
(c) ☐ Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).
(d) ☐ The decision on appeal by the ☐ Board of Patent Appeals and Interferences ☐ Court dated ______.
(e) ☐ Other: ______.

2. The Reexamination Certificate will indicate the following:
(a) Change in the Specification: ☐ Yes ☑ No
(b) Change in the Drawing(s): ☐ Yes ☑ No
(c) Status of the Claim(s):
   (1) Patent claim(s) confirmed: 5 and 11.
   (2) Patent claim(s) amended (including dependent on amended claim(s)): ______
   (3) Patent claim(s) canceled: 1-4, 6-10 and 12-14.
   (4) Newly presented claim(s) patentable: ______.
   (5) Newly presented canceled claims: ______.
   (6) Patent claim(s) ☐ previously ☐ currently disclaimed: ______.
   (7) Patent claim(s) not subject to reexamination: ______.

3. Parsing the attached statement of reasons for patentability and/or confirmation. Any comments considered necessary by patent owner regarding reasons for patentability and/or confirmation must be submitted promptly to avoid processing delays. Such submission(s) should be labeled: "Comments On Statement of Reasons for Patentability and/or Confirmation."

5. ☐ Note attached LIST OF REFERENCES CITED (PTO/SB/08 or PTO/SB/08 substitute).
6. ☐ The drawing correction request filed on ______ is: ☐ approved ☐ disapproved.

7. ☐ 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
      ☐ been received.
      ☐ not been received.
      ☐ been filed in Application No. ______.
      ☐ been filed in reexamination Control No. ______.
      ☐ been received by the International Bureau in PCT Application No. ______.

* Certified copies not received: ______.

8. ☑ Note attached Examiner's Amendment.
10. ☐ Other: ______.

All correspondence relating to this reexamination proceeding should be directed to the Central Reexamination Unit at the mail, FAX, or hand-carry addresses given at the end of this Office action.

/Adam L Basehoar/
Primary Examiner, Art Unit 3992

cc: Requester (if third party requester)
U.S. Patent and Trademark Office
PTOL-469 (Rev. 07-10) Notice of Intent to Issue Ex Parte Reexamination Certificate Part of Paper No 20130506
DETAILED ACTION

1. This Office action addresses claims 1-14 of United States Patent Number 7,030,781 B2 (Jones), for which it has been determined in the Order Granting Ex Parte Reexamination (hereafter the “Order”) mailed 02/01/2013 that a substantial new question of patentability was raised in the Request for Ex Parte reexamination filed on 01/04/2013 (hereafter the “Request”). This action is a response to Patent Owner’s (PO) response filed on 05/03/2013. Additionally, in view of a telephone interview held on 05/23/2013 which discussed that the Jones '781 patent being reexamined had expired during the pendency of the present reexamination proceeding, an Examiner's Amendment is shown below cancelling original patent claims 1-4, 6-10, and 12-14. Also as shown by way of the Examiner’s Amendment, original dependent patent claims 5 and 11 are originally presented. Therefore, claims 5 and 11 are allowable and/or confirmed and claims 1-4, 6-10, and 12-14 are cancelled.

EXAMINER'S AMENDMENT

2. An Examiner’s Amendment to the record appears below. The Examiner's Amendment cancels original claims 1-4, 6-10, and 12-14 as well as leaves original dependent claims 5 and 11 originally presented. As the patent being reexamined has expired during the pendency of the present reexamination proceeding, all amendments made during the proceeding are improper, and are hereby expressly withdrawn. Moreover, no amendment, other than the cancellation of claims, will be incorporated into the patent by a certificate issued after the expiration of the patent. The changes made by this Examiner’s Amendment will be reflected in the reexamination
Please present the claims as follows:

Claims 1-4  (Cancelled)

5.  (Original) The method of claim 1, wherein the route has a plurality of vehicle stops and wherein the comparing step is performed based upon the vehicle’s progress along the stops of the route.

Claims 6-10  (Cancelled)

11.  (Original) The system of claim 2, wherein the route has a plurality of vehicle stops and wherein the means for comparing analyzes the vehicle’s progress along the stops of the route.

Claims 12-14  (Cancelled)

**STATEMENT OF REASONS FOR PATENTABILITY AND/OR CONFIRMATION**

3.  Claims 5 and 11 are allowable and/or confirmed.
The following is an examiner's statement of reasons for patentability and/or confirmation for claims 5 and 11. Dependent claims 5 and 11 are confirmed over the prior art that was explained in the Request and determined to raise a substantial new question of patentability in the Order granting reexamination and over the prior art that was applied and discussed by the examiner in the present reexamination proceeding because of the following:

Regarding dependent claim 5, the proposed prior art (i.e., SOTA92) teaches wherein a given route could have a plurality of stops (SOTA92: Page 47: “route structure and schedule are pre-loaded into a memory module on-board the bus”; Pages 25-27: “computer display devices located at transit stations and/or enroute stops…provide real-time information to travelers at bus stops and transfer stations”), but does not specifically teach wherein the comparing step is performed/analyzed based on the vehicle’s progress along the stops for said given route.

SOTA92 teaches that as a vehicle proceeds along its route a comparison is made between its current position and its expected position (SOTA92: see, Page 47: “Exception Reporting”). However, SOTA92 teaches that the comparison step appears to be done either based on a near continuous comparison or more likely at regular synchronized intervals in order to communicate its position to a central dispatch (SOTA92: Page 47: “memory module on-board the bus…it compares its current position to its expected position on-board…at regular intervals…if the bus deviates from its route or schedule, the bus immediately communicates its true position to dispatch”; Page 48: “Poll – Tie between polls (seconds)”). The Jones ‘781 patent teaches the above mentioned near continuous comparison (Jones ‘781: column 7, line 65-column 8, line 10: “determination of whether a bus 19 is early or late can occur at any time during a bus route and can occur as many times as desired…where the bus 19 is situated on earth at any given time”;

column 8, lines 45-67: “determines, continuously”), but the Jones '781 patent also teaches that the preferred embodiment taught the comparing step being performed specifically in relation to the bus stops along a given route (Jones '781: column 7, lines 49-56: “In the preferred embodiment, determining the status (i.e., early, on time, late) of a bus 19 is accomplished by comparing the time at which a bus 19 actually departs from a stop to the scheduled time of departure”; column 8, line 66-column 9, line 2: “periodically…VCU 12 at least compares its elapsed time with the its scheduled time”; column 11, lines 2-9). Therefore, the various embodiments disclosed in SOTA92 do not appear to explicitly teach that comparing the current position and its expected position is achieved specifically based on the plurality of stops along the route as claimed and described in the Jones '781 patent.

System based (means-for) dependent claim 11 is substantially similar to method based dependent claim 5 and as such is confirmed based on the same rationale.

Any comments considered necessary by PATENT OWNER regarding the above statement must be submitted promptly to avoid processing delays. Such submission by the patent owner should be labeled: "Comments on Statement of Reasons for Patentability and/or Confirmation" and will be placed in the reexamination file.

**CONCLUSION**

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

By U.S. Postal Service Mail to:
Mail Stop Ex Parte Reexam
ATTN: Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX to:

(571) 273-9900
Central Reexamination Unit

By hand to:

Customer Service Window
Randolph Building
401 Dulany St.
Alexandria, VA 22314

By EFS-Web:

Registered users of EFS-Web may alternatively submit such correspondence via the
electronic filing system EFS-Web, at

https://efs.uspto.gov/efile/myportal/efs-registered

EFS-Web offers the benefit of quick submission to the particular area of the Office that
needs to act on the correspondence. Also, EFS-Web submissions are “soft scanned” (i.e.,
electronically uploaded) directly into the official file for the reexamination proceeding, which
offers parties the opportunity to review the content of their submissions after the “soft scanning”
process is complete.

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.

/Adam L Basehoar/

Primary Examiner, Art Unit 3992
Application/Control Number: 90/012,612
Art Unit: 3992

/JDC/

/Alexander J Kosowski/

Supervisory Patent Examiner, Art Unit 3992
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<th>Control No.</th>
<th>Patent Under Reexamination</th>
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<td>90/012,612</td>
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<td>ADAM BASEHOAR</td>
<td>3992</td>
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All participants (USPTO personnel, patent owner, patent owner’s representative):

(1) **ADAM BASEHOAR**
(2) **Josh Campbell**
(3) **Alex Kosowski**
(4) **Scott A. Horstemeyer**

**Date of Interview:** 23 May 2013

**Type:**
- [x] Telephonic
- [ ] Video Conference
- [ ] Personal (copy given to: 1) [ ] patent owner 2) [ ] patent owner’s representative

**Exhibit shown or demonstration conducted:**
- [ ] Yes
- [x] No.

If Yes, brief description:

**Agreement with respect to the claims:**
- [x] was reached
- [ ] was not reached
- [ ] N/A

Any other agreement(s) are set forth below under “Description of the general nature of what was agreed to...”

**Claim(s) discussed:** 5 and 11.

**Identification of prior art discussed:** N/A.

**Description of the general nature of what was agreed to if an agreement was reached, or any other comments:**

[See Continuation Sheet]

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims patentable, if available, must be attached. Also, where no copy of the amendments that would render the claims patentable is available, a summary thereof must be attached.)

Continuation of Description of the general nature of what was agreed to if an agreement was reached, or any other comments: The Examiner noted that the patent term for the Jones '781 patent expired (see: MPEP 2701) on 05/18/2013 and that in reexamination no amendment may be proposed for entry in an expired patent. Moreover, no amendment, other the cancellation of claims, will be incorporated into the patent by a certificate issued after the expiration of the patent (see: 37 CFR 1.530(j)). Further, the Examiner noted that there is no requirement in reexamination for dependent claims to be rewritten in independent form in order to place them in condition for allowance. Thus, an Examiner's Amendment was proposed cancelling claim 1-4, 6-10, and 12-14 as well as leaving claims 5 and 11 as originally presented so that they could be confirmed via a reexamination certificate. Said Examiner's Amendment was agreed to by PO's representative.