

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Control No.	: 90/019,500	Patent	: 8,738,103
Filing Date	: April 30, 2024	Issue Date	: May 27, 2014
Confirmation No.	: 9346	Title:	: Multiple-Body-Configuration Multimedia and Smartphone Multifunction Wireless Devices
		TC/A.U.	: Central Reexamination Unit
		Examiner	3992
		Customer No.	: Colin M. LaRose
		Docket No.	: 27896
			: 0690.0071L

Mail Stop *Ex Parte* Reexam
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PATENT OWNER'S AMENDMENT TO THE NON-FINAL OFFICE ACTION

In response to the Non-Final Office Action (“Office Action”) mailed on November 7, 2024, the Patent Owner Fractus, S.A. (hereinafter referred to as “Patent Owner”), presents the following amendment and remarks in the above-captioned reexamination proceedings of Patent No. 8,738,103 (hereinafter “the ‘103 patent”).

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REMARKS**I. CLAIM STATUS**

Claims 1-11, 13, 14 and 16-20 are not subject to reexamination. Claims 12 and 15 are subject to reexamination and were rejected under pre-AIA 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2007/0238484 to Boireau et al. published on October 11, 2007 (hereinafter "**Boireau**") in view of U.S. Patent Application Publication No. 2003/0189522 to Zeilinger published on October 9, 2003 (hereinafter "**Zeilinger**").

II. CLAIM AMENDMENTS AND DISCUSSION OF GROUNDS OF REJECTION

Claims 12 and 15 of the '103 Patent were rejected under the above-outlined grounds of rejection. Per the present Amendment, Patent Owner is canceling claims 12 and 15 without prejudice or disclaimer. Patent Owner has not provided a listing of claims because, as noted in 37 C.F.R. § 1.530(d)(2), "a patent claim or proposed added claim should be canceled by a statement canceling the claim, without presentation of the text of the claim." Accordingly, Patent Owner makes the present statement canceling claims 12 and 15 "without presentation of the text of the claim."

Patent Owner respectfully submits that the cancelation of claims 12 and 15 renders the rejections of these claims moot. Patent Owner has canceled claims 12 and 15 in order to expedite the present reexamination proceeding. The cancelation is not a concession to the propriety of the grounds of rejections based on Boireau and Zeilinger, and Patent Owner maintains the positions presented during its interview with the Examiners. *See, e.g.*, Ex Parte Reexamination Interview Summary of December 13, 2024. Patent Owner further submits that claims 1-11, 13, 14 and 16-20 remain in force and patentable due *at least* to their recitations that are patentably distinct from those of claims 12 and 15.

III. STATEMENT OF SUBSTANCE OF INTERVIEW

A telephonic interview took place on December 2, 2024, between Patent Owner's representatives Mark DeBoy and Patrick Finnan and Examiners Colin LaRose, Andrew J. Fischer and Nick Corsaro. With regard to the content of the interview, Patent Owner thanks the Examiners for the detailed Ex Parte Reexamination Interview Summary of December 13, 2024. Patent Owner adopts the Examiners' Interview Summary. Specifically, in accordance with 37 C.F.R. § 1.560, Patent Owner adopts the following record of the interview from the Examiners' Interview Summary:

Patent Owner's representatives asserted that there is insufficient motivation and rationale to combine to Boireau and Zeilinger in order

to modify Boireau's wireless device to include two antenna elements, as claimed. Also briefly discussed the meaning of "partially overlapping" in claim 15, in relation to FIG. 3 of Zeilinger.

No agreement on the patentability of the claims was reached. Patent Owner's response to the 11/7/2024 Office action is forthcoming.

Examiners' Interview Summary at 2.

IV. CONCLUSION

In view of the above, Patent Owner respectfully requests issuance of a Reexamination Certificate canceling claims 12 and 15 from the '103 Patent.

No fee is believed due for the present submission. In the event that the Commissioner determines that an additional fee is required for consideration of the present submission, the U.S. Patent and Trademark Office is hereby authorized to charge any LARGE ENTITY fee deficiency, or credit any overpayment, to Deposit Account No. 05-0460 referencing docket number 0690.0071L.

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