

New dependent claims 31, 32, 33, 34, 35, and 36 depend from amended claim 1 and further define the alarm, how the device determines the mobile phone is not in wireless communication with the device, how the device determines the driver monitoring software is not running, and when the device generates the alarm.

Support for the claim amendments may be found throughout the application as filed, such as at page 11, line 17 to page 24, line 16 of the Subject Application.

STATEMENT UNDER ARTICLE 19(1)

The International Searching Authority (ISA) found that claims 1-30 have industrial applicability; that claims 2-4, 6-8, 10-19, 21-30 are novel; but that claims 1-30 lack an inventive step. *See* Written Opinion (WO) at Box No. V.

The WO rejected independent claims 1, 5, 9 and 20 for lack of novelty under PCT Article 33(2) based on D1 (U.S. 2015/198306). Claims 9 and 20 are also rejected for lack of novelty under PCT Article 33(2) based on D3 (U.S. 2011/093161). Claims 2-4, 6-8, 10-19, 21-30 were further rejected for lack of inventive step under PCT Article 33(3) based on D1. Claims 18 and 29 were further rejected for lack of inventive step under PCT Article 33(3) based on D2 (U.S. 2011/021234). Claims 4, 8, 13, 14, 19, 25, 29, and 30 were further rejected for lack of inventive step under PCT Article 33(3) based on D3. Claims 2-4, and 6-8 were further rejected for lack of inventive step under PCT Article 33(3) based on D4 (U.S. 8,731,530). Claims 11, 13, 22, and 24 were further rejected for lack of inventive step under PCT Article 33(3) based on D5 (U.S. 2012/100828). Claims 15-16, and 26-27 were further rejected for lack of inventive step under PCT Article 33(3) based on D6 (U.S. 2011/294520).

Claim 1 is amended to recite that “the device generates an alarm when the device determines that the vehicle is in the on state based on the condition sensed by the vehicle state sensors, in conjunction with one of at least *two separate alarm conditions* detected by the device.” The alarm conditions include, as recited in amended claim 1:

- “the first alarm condition occurs when the device determines that the mobile phone is not in wireless communication with the device based on the device determining that a communication protocol link between the mobile phone and the device is not established;”
- “the second alarm condition occurs when the device detects that the driver monitoring software on the mobile device is not running;”

Additionally, amended claim 1 recites that to determine whether the vehicle is in the on state, “the one or more vehicle state sensors sense a condition indicative of the vehicle being in an on state based on the device receiving electricity from a battery of the vehicle.”

D1-D6, considered alone or in combination, do not disclose at least the cited elements of amended claim 1. The claim amendments presently made also conform the pending claims to the allowed claims of U.S. Patent Number 10,009,455. Additionally, in the prosecution of U.S. 10,009,455, it was determined that the amended claim 1 defined over the references D1-D6. Accordingly, D1-D6, considered alone or in combination, do not disclose all of the elements of amended claim 1. This analysis applies to all dependent claims as well.

CONCLUSION

Applicant respectfully requests that the International Bureau of WIPO contact applicant’s undersigned representative regarding any issues pertaining to this International Application.

Should the Authorized Officer have any questions or concerns regarding this reply, the Authorized Officer is invited to contact the undersigned.

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