

# EXHIBIT 6



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/459,376 05/02/95 PAULICK

EXAMINER  
PHAM, C

26M2/0521

ART UNIT PAPER NUMBER

MOTOROLA INC  
INTELLECTUAL PROPERTY DEPARTMENT KOK  
CORPORATE OFFICES  
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SCHAUMBURG IL 60196

2611  
DATE MAILED:

14

05/21/96

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined  Responsive to communication filed on \_\_\_\_\_  This action is made final.

A shortened statutory period for response to this action is set to expire 03 month(s), — days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

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

- Notice of References Cited by Examiner, PTO-892.
- Notice of Draftsman's Patent Drawing Review, PTO-948.
- Notice of Art Cited by Applicant, PTO-1449.
- Notice of Informal Patent Application, PTO-152.
- Information on How to Effect Drawing Changes, PTO-1474.
- \_\_\_\_\_

**Part II SUMMARY OF ACTION**

- Claims 1-4, 6-17, 19-24 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
- Claims 5 & 18 have been cancelled.
- Claims 1-4, 6, 15-17 & 19 are allowed.
- Claims 7-14 AND 20-24 are rejected.
- Claims \_\_\_\_\_ are objected to.
- Claims \_\_\_\_\_ are subject to restriction or election requirement.
- This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
- Formal drawings are required in response to this Office action.
- The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are  acceptable;  not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
- The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been  approved by the examiner;  disapproved by the examiner (see explanation).
- The proposed drawing correction, filed \_\_\_\_\_, has been  approved;  disapproved (see explanation).
- Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has  been received  not been received  been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
- Since this application appears to be in condition for allowance 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.
- Other

**EXAMINER'S ACTION**

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**Part III DETAILED ACTION**

1. The amendment filed on 3-4-96 has been fully considered and made of record.

**Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --  
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 20-24 are rejected under 35 U.S.C. § 102(e) as being anticipated by Krenz et al (5,170,173, previously cited).

- Consider claims 20, 22 and 24, Krenz shows in figures 1 and 4 a radio device having receiver circuitry (401) disposed in a housing (main body 101 and hinge element 102 are read as the housing), a loop antenna (110) coupled to the receiver circuitry and attached to the outside, nonconductive surface of the housing (the antenna 110 is sitting on top of the nonconductive hinge element as shown in figure 1), a substantially planar cover (the cut away surface that covers a portion of the antenna as shown in figure 1) attached to the outside surface of the housing for

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concealing the antenna between the cover and the outside surface of the housing.

- As to claim 21, the cover of Krenz is considered an escutcheon.

- As to claim 23, the antenna (110) of Krenz is integrally formed with the cover as shown in figure 1.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, 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 negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

5. Claims 25 and 26 are rejected under 35 U.S.C. § 103 as being unpatentable over Krenz et al in view of Stantos et al (5,258,892 previously cited).

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- Krenz et al discloses a receiver as discussed above. Although it does not show the antenna surrounding a user interface, it is well known in the art to provide a microphone surrounded by a loop antenna on the hinge element of a radio device. Therefore, implementing Krenz's device with such a microphone would have been obvious to one skilled in the art.

6. Claims 7-12 are rejected under 35 U.S.C. § 103 as being unpatentable over Krenz et al in view of Metroka et al (5,117,449).

- Consider claims 7, 10 and 12, Krenz discloses a radio device as discussed above. Krenz, however, fails to show the radio device including pager circuitry. Nevertheless, it is known in the art to incorporate pager circuitry in a radio device, as shown by Metroka (see figure 1, element 105), such that the user of the radio can use the pager to screen incoming calls (col. 1, lines 14-59). Therefore, it would have been obvious to those of ordinary skill in the art to implement the radio device of Krenz with pager circuitry as taught by Metroka for the above noted purpose to improve its use. Such implementation could have been done by providing the pager circuitry inside the main body (33) and using the antenna (102) as the pager antenna.

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- As to claim 8, the cover of Krenz is considered an escutcheon.

- As to claim 9, although not shown by Krenz, its radio device inherently includes a shield for shielding the circuitry inside the main body case (101).

- As to claim 11, the antenna of Krenz is integrally formed with the cover as shown in figure 1.

7. Claims 13 and 14 are rejected under 35 U.S.C. § 103 as being unpatentable over Krenz et al in view of Metroka et al as applied to claim 12 above, and further in view of Stanton et al.

- Claims 13 and 14 are analyzed in the same manner as applied above in claims 25 and 26.

**Response to Amendment**

8. Applicant's arguments with respect to claims 7 and 20 have been considered but are deemed to be moot in view of the new grounds of rejection.

9. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

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A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

**Allowable Subject Matter**

10. Claims 1-4, 6, 15-17 and 19 are allowable over the prior art of record.

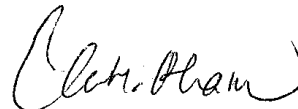
11. Claims 1-4, 6, 15-17 and 19 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. 112.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chi Pham whose telephone number is (703) 305-4378. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Eisenzopf, can be reached on (703) 305-4711. The fax phone number for this Group is (703) 305-9508.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

CHP  
May 16, 1996



CHI H. PHAM  
PRIMARY EXAMINER  
GROUP 2600