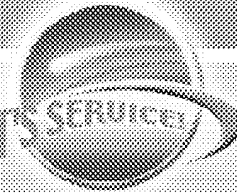


EXHIBIT 13



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Docket No.: 2000319.124US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Russel K. Jones et al. Confirmation No.: 8900
Application No.: 11/261,898 Art Unit: 2617
Filed: October 28, 2005 Examiner: Patel, Nimesh
Title: SERVER FOR UPDATING LOCATION BEACON DATABASE

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Office Action dated November 30, 2007, please amend the above-identified U.S. patent application as follows:

Amendments to the Specification begins on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 5 of this paper.

Amendments to the Specification:

Please replace paragraph [0002] and the three lines that follow paragraph [0002] with the following:

[0002] This application is related to the following U.S. Patent Applications, filed on an even date herewith:

U.S. Patent Application No. 11/261,848, entitled *Location Beacon Database*;

U.S. Patent Application No. 11/261,988, entitled *Location-Based Services that Choose Location Algorithms Based on Number of Detected Access Points Within Range of User Device*;
and

U.S. Patent Application No. 11/261,987, entitled *Method and System for Building a Location Beacon Database*.

Amendments to the Claims:

The following listing of the claims will replace all prior versions and listings of claims in the application.

Listing of the Claims;

1. (Currently Amended) A Wi-Fi location server, comprising:
 - a database of Wi-Fi access points for at least one target area having a radius on the order of tens of miles, said database being recorded in a computer-readable medium and including database records for substantially all Wi-Fi access points in the target area, each record including identification information for a corresponding Wi-Fi access point and calculated position information for the corresponding Wi-Fi access point, wherein said calculated position information is obtained from recording multiple readings of the Wi-Fi access point at different locations around the Wi-Fi access point so that the multiple readings have ~~to provide~~ reference symmetry relative to other Wi-Fi access points in the target area [[when]] and so that the calculation of ~~calculating~~ the position of the Wi-Fi access point ~~and to avoid~~s arterial bias in the calculated position information; and
 - computer-implemented logic to add records to the database for newly-discovered Wi-Fi access points said computer logic including logic to recalculate position information for Wi-Fi access points previously stored in the database to utilize[[the]] position information for the newly-discovered readings of previously stored Wi-Fi access points.
2. (Original) The server of claim 1 further including computer-implemented clustering logic to identify position information based on error prone GPS information.

3. (Original) The server of claim 2 wherein the clustering logic includes logic to determine a weighted centroid position for all position information reported for an access point and logic to identify position information that exceeds a statistically-based deviation threshold amount away from the centroid position and excludes such deviating position information from the database and from influencing the calculated positions of the Wi-Fi access points.

REMARKS

Claims 1-3 are pending in the application. Applicants respectfully request reconsideration of the application in view of the following remarks.

Rejections under 35 U.S.C. § 103(a)

Claim 1 was rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Pat. Pub. 2005/0164710 of Beuck (herein “Beuck”) in view of U.S. Pat. Pub. 2006/0078122 of Moeglein et al. (herein “Moeglein”).

Beuck discloses a system for reporting a location of a device when the device is not located within a proximity of a particular point or within a particular area. Beuck describes a system that includes a location finder, GPS satellites, a wireless access point, a network, and a database server. The location finder periodically receives a “Keep Alive” strobe from a nearby wireless transmitter. When the location finder detects an absence of the Keep Alive strobe, the location finder determines the location of itself based on collected GPS signals. The location finder then determines whether a wireless access point is available. If a wireless access point is available, the location finder sends a 911-type request message to the database server via the wireless access point. See Beuck at ¶¶ 4-5, 19, 25.

Beuck is not concerned with a database of location information for Wi-Fi access points in a target area. In fact, Beuck is completely silent regarding any method of determining the location of Wi-Fi access points, but rather, is concerned with determining the location of the location finder device. Beuck merely uses wireless access points to communicate the location of

the location finder device, which, as stated above, is determined by the device using GPS signals. As Beuck does not teach or suggest a database of location information for Wi-Fi access points, Beuck also does not teach or suggest logic for adding newly-discovered Wi-Fi access points and their corresponding location information to a database.

Furthermore, the Office Action states

[Beuck] is silent on, ‘wherein said calculated position information is obtained from recording multiple readings of the Wi-Fi access point to provide reference symmetry when calculating the position of the Wi-Fi access point and to avoid arterial bias in the calculated position information’, and ‘computer-implemented logic to add records to the database for newly-discovered Wi-Fi access points said computer logic including logic to recalculate position information for Wi-Fi access points previously stored in the database to utilize the position information for the newly-discovered Wi-Fi access points.’

and relies on Moeglein to provide these missing elements. Specifically, the Office Action states, “Moeglein teaches, use of different air interfaces and/or operated by different service providers like, wireless LAN access point, cellular phone base station, satellite etc. for position determination.” See Office Action pgs. 5-6. However, the Office Action does not explain how the approach described in Moeglein avoids the problem of arterial bias or attains reference symmetry relative to other Wi-Fi access points in the target area.

In fact, Moeglein is silent regarding any particular route or scheme taken or used by the mobile station to gather location information about the wireless access points. Moreover, Moeglein is completely silent regarding any particular appreciation that the technique or method used to gather Wi-Fi access point observations affects the quality of the calculated position of the

Wi-Fi access points. Specifically, Moeglein does not teach or suggest obtaining multiple readings of the Wi-Fi access point at different locations around the Wi-Fi access point so that multiple readings have reference symmetry relative to other Wi-Fi access points in the target area and so that the calculation of the position of the Wi-Fi access point avoids arterial bias in the calculated position information.

In contrast to the cited references, applicants' claim 1 is directed to a Wi-Fi location server that includes position information for Wi-Fi access points without arterial bias. Specifically, the calculated position information for the Wi-Fi access points is obtained from recording multiple readings of the Wi-Fi access point at different locations around the Wi-Fi access point. These multiple readings have reference symmetry relative to other Wi-Fi access points in the target area. Thus, the calculation of the position of the Wi-Fi access point avoids arterial bias in the calculated position information. This technique of gathering readings from Wi-Fi access points results in higher quality estimates of access point locations and more complete information about the access points in the area. Consequently, devices using the calculated access point locations to determine their position have more accurate estimations of their locations. See Application at ¶¶ 41-44.

As set forth above, none of the cited reference teach or suggest conducting an audit of an area to build a reference database of the locations of Wi-Fi access points in a target area so as to provide reference symmetry and avoid arterial bias. As stated in the application, amateur scanners ("wardrivers") have attempted to collect access point location data for use in location estimation systems. However, the methods employed by wardrivers suffer from several

drawbacks. Namely, as described in the application, the location data collected by the wardrivers is often inaccurate, incomplete, and grows organically rather than being collected in a systematic fashion to purposefully avoid arterial bias. See Application at ¶¶ 15-17.

As explained in greater detail in the application, significant errors in position calculation can result when the reference points used for the calculation lack symmetry around the physical location of the device performing the calculation. Unsymmetrical location data (or “arterial bias”) occurs when individuals (e.g., wardrivers) collect location data for Wi-Fi access points without following designated scanning routes. Such data tends to aggregate around heavily traffic areas (or “arteries”). Attempting to use arterially biased data to estimate the location of a mobile device causes a “location pull” towards the main arteries regardless of where the user is currently located. This causes substantial accuracy errors in the location estimation. Figures 5 and 6 of the application illustrate this effect. See Application at ¶¶ 15 and 44.

Collecting multiple readings of Wi-Fi access points in a systematic fashion, as described in the application, provides reference symmetry within the target area. Thus, the distribution of reference points (i.e., Wi-Fi access point locations) is symmetric. By using a collection of location data that is symmetric, a mobile device attempting to calculate its location typically encounters physical locations in which there are numerous access point locations on all sides of the device within range of the device’s Wi-Fi radio. Therefore, a position calculation performed by the mobile device will have reduced location bias and will be more accurate as a result. See Application at ¶ 44.

Unlike the cited references and known methods described in the background of the

application, applicants' claim 1 clearly recites the calculated position information is obtained from recording multiple readings of the Wi-Fi access point at different locations around the Wi-Fi access point so that the multiple readings have reference symmetry relative to other Wi-Fi access points in the target area and so that the calculation of the position of the Wi-Fi access point avoids arterial bias in the calculated position information. The application describes the discovery of the arterial bias problem and the advantages of the solutions devised by applicants. Namely, by performing a planned audit, and avoiding arterial bias, applicants at least achieve more complete information about access points in the target area, higher quality estimates of access point locations, and reference symmetry. See Application at ¶¶ 47-51.

None of this is taught or suggested by the cited references. Thus, applicants submit that claim 1 is patentable over the cited references.

Claim 2-3 were rejected under 35 U.S.C. § 103(a) as being obvious over Beuck in view of Moeglein and further in view of U.S.P.N. 5,940,825 to Castelli et al. (herein "Castelli").

Claims 2-3 depend from claim 1 and, therefore, include the combination set forth in claim 1. As explained above, Beuck and Moeglein, either alone or in combination, do not teach or suggest all of the elements of claim 1. Castelli does not supply the missing elements.

Castelli discloses a system for and method of performing similarity searches in a sequence database, which is phase and scale insensitive. Castelli describes a method of parsing a query sequence into multiple segments at multiple resolution levels. The segments are used to compare the query sequence to other sequences in a database. See Castelli at col. 2, line 35-col. 3, line 52.

Castelli is silent regarding calculated positions of Wi-Fi access points. In fact, Castelli is not concerned with Wi-Fi access points at all. Thus, Castelli does not teach or suggest any method of determining the location of Wi-Fi access points. Specifically, Castelli does not teach or suggest obtaining multiple readings of the Wi-Fi access point at different locations around the Wi-Fi access point so that multiple readings have reference symmetry relative to other Wi-Fi access points in the target area and so that the calculation of the position of the Wi-Fi access point avoids arterial bias in the calculated position information.

Thus, claims 2-3 are patentable over the cited references for at least the same reasons set forth for claim 1.

Objection to the Claims

Claim 1 was objected to as allegedly being open ended. Applicants submit that the term “radius on the order of tens of miles” is not opened ended, but rather, clearly communicates that the claimed target area is larger than, for example, a single floor of a building, such as might be found in an indoor positioning system. See Application at ¶ 16. Applicants describe throughout the application an embodiment that includes position information for Wi-Fi access points within a large metropolitan area. Therefore, applicants respectfully request withdrawal of the objection.

Objection to the Specification

The Specification was objected to for the reasons set forth in the Office Action. Applicants have amended the Specification to include the missing serial numbers.

Information Disclosure Statement

Applicants enclose an Information Disclosure Statement (IDS) with this submission.

This IDS is being filed after the mailing date of the first Office Action on the merits and before the mailing date of a final Office Action or a Notice of Allowance. Authorization to charge the \$180.00 fee to our Deposit Account No. 08-0219 is enclosed. Applicants request that the Examiner initial and return a copy of the enclosed Form PTO SB-08 with the next communication.

Conclusion

Applicants respectfully request an early and favorable reconsideration and issuance of this application as amended herein. The Examiner is encouraged to contact the undersigned to expedite prosecution of this application.

Authorization to charge the \$180.00 fee in connection with the IDS submission is enclosed. No other fees are believed to be due in connection with this response. However, please charge any fees due in connection with this application or credit any overpayments to Deposit Acct. No. 08-0219.

Respectfully submitted,

Date: February 29, 2008

/John V. Hobgood/
John V. Hobgood
Registration No. 61,540
Attorney for Applicant

Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109
Tel: (617) 526-6658
Fax: (617) 526-5000

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>			Complete if Known			
			Application Number	11/261,898-Conf. #8900		
			Filing Date	October 28, 2005		
			First Named Inventor	Russel K. JONES		
			Art Unit	2617		
			Examiner Name	N. Patel		
Sheet	1	of	1	Attorney Docket Number	2000319.00124US1	

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)				
	AA*	US-2004/0039520		02-26-2004	Khavakh et al.	
	AB*	US-2004/0087317		05-06-2004	Caci	
	AC*	US-6,678,611		01-13-2004	Khavakh et al.	
	AD*	US-7,123,928		10-17-2006	Moeglein et al.	

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)					

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * CITE NO.: Those application(s) which are marked with a single asterisk (*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CA	International Search Report, International Application No. PCT/US05/39208, mailed 29 January 2008. (3 pages).	
	CB	Written Opinion of the International Searching Authority, International Application No. PCT/US05/39208, mailed 29 January 2008. (3 pages)	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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Electronic Patent Application Fee Transmittal

Application Number:	11261898			
Filing Date:	28-Oct-2005			
Title of Invention:	Server for updating location beacon database			
First Named Inventor/Applicant Name:	Russel K. Jones			
Filer:	John Verble Hobgood/Jeanne DeLuca			
Attorney Docket Number:	2000319-00124US1			
Filed as Small Entity				
Utility Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
Total in USD (\$)				180

Electronic Acknowledgement Receipt

EFS ID:	2931033
Application Number:	11261898
International Application Number:	
Confirmation Number:	8900
Title of Invention:	Server for updating location beacon database
First Named Inventor/Applicant Name:	Russel K. Jones
Customer Number:	23483
Filer:	John Verble Hobgood/Jeanne DeLuca
Filer Authorized By:	John Verble Hobgood
Attorney Docket Number:	2000319-00124US1
Receipt Date:	29-FEB-2008
Filing Date:	28-OCT-2005
Time Stamp:	16:46:46
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$ 180
RAM confirmation Number	2185
Deposit Account	080219
Authorized User	

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File Listing:					
Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement Letter	2000319_124US1_IDS_Ltr_29_Feb_08.pdf	88692 dbee22a298c789a962a7d06ebae2a2e26b6adcf5	no	2
Warnings:					
Information:					
2	NPL Documents	NPL_Search_Report.pdf	152137 ef9902b6a53a00869d852827bd8116ed7343b4a2	no	3
Warnings:					
Information:					
3		2000319_124US1_Amendment_29_Feb_08.pdf	137018 48205f94b5339a7b969a937b1011971f20bf4d39	yes	11
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment - After Non-Final Rejection		1	1	
	Specification		2	2	
	Claims		3	4	
	Applicant Arguments/Remarks Made in an Amendment		5	11	
Warnings:					
Information:					
4	NPL Documents	NPL_Written_Opinion.pdf	608895 b6f3e6be44e0791c85d62346affbba1b3cdc010	no	3
Warnings:					
Information:					
5	Information Disclosure Statement (IDS) Filed	2000319_124US1_IDS_SBO8_29_Feb_08.pdf	115893 b94e353bc412dde9f9a93c7e7c12329948d799eb	no	1
Warnings:					
Information:					
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6	Fee Worksheet (PTO-06)	fee-info.pdf	8176 83331c73d4ab2a38de9427085713b403bc540a41	no	2
Warnings:					

Information:	
Total Files Size (in bytes):	1110811
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>	

Docket No.: 2000319.00124US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Russel K. Jones et al. Confirmation No.: 8900
Application No.: 11/261,898 Art Unit: 2617
Filed: October 28, 2005 Examiner: N. Patel
Title: SERVER FOR UPDATING LOCATION BEACON DATABASE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT (IDS)

Dear Sir:

This Information Disclosure Statement is being filed after the mailing date of the first Office Action on the merits and before the mailing date of a final Office Action or a Notice of Allowance.

Please charge the \$180.00 fee to our Deposit Account No. 08-0219.

Applicants request that the Examiner initial and return a copy of the enclosed Form PTO SB-08 with the next communication.

Respectfully submitted,

Dated: February 29, 2008

/John V. Hobgood/
John V. Hobgood
Registration No.: 61,540
Attorney for Applicant(s)

Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, Massachusetts 02109
(617) 526-6000 (telephone)
(617) 526-5000 (facsimile)



NOTICE OF ALLOWANCE AND FEE(S) DUE

23483 7590 05/21/2008

WILMERHALE/BOSTON
60 STATE STREET
BOSTON, MA 02109

EXAMINER
PATEL, NIMESH
ART UNIT 2617 PAPER NUMBER
DATE MAILED: 05/21/2008

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.

TITLE OF INVENTION: SERVER FOR UPDATING LOCATION BEACON DATABASE

Table with 7 columns: APPLN. TYPE, SMALL ENTITY, ISSUE FEE DUE, PUBLICATION FEE DUE, PREV. PAID ISSUE FEE, TOTAL FEE(S) DUE, DATE DUE

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

23483 7590 05/21/2008

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/261,898	10/28/2005	Russel K. Jones	2000319-00124US1	8900

TITLE OF INVENTION: SERVER FOR UPDATING LOCATION BEACON DATABASE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$720	\$300	\$0	\$1020	08/21/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
PATEL, NIMESH	2617	370-328000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE _____ (B) RESIDENCE: (CITY and STATE OR COUNTRY) _____

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are submitted:

- Issue Fee
- Publication Fee (No small entity discount permitted)
- Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- A check is enclosed.
- Payment by credit card. Form PTO-2038 is attached.
- The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
 Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes application details for Russel K. Jones and examiner information for Nimesh Patel.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 337 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 337 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	11/261,898	JONES ET AL.	
	Examiner	Art Unit	
	NIMESH PATEL	2617	

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

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to Feb. 29, 2008.
2. The allowed claim(s) is/are 1-3.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____ .
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>Feb. 29, 2008</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ . 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|---|---|

Detailed Action

Allowable Subject Matter

1. Claims 1 – 3 are allowed.
2. The following is an examiner's statement of reasons for allowance.

Beuck teaches, the location finder 102 may receive digital radio signals transmitted by GPS satellites 104-1 through 104-3. The signals may include the satellites' location and the exact time. The location finder 102 calculates the distance and reports information indicative of a location of the location finding device to a server via the wireless access point. Also, the wireless access point 106 may communicate with the location finder 102 using one of a number of wireless communication protocols, such as Wi-Fi, or Bluetooth.

Beuck, US PGPub: US 2005/0164710 A1 Jul. 28, 2005.

Moeglein teaches, when an access point has not been observed for a certain period of time, the access point is removed from the database, similarly, when a new access point is observed, it is added to the database. Thus, the server may update the information about the access point in an ongoing basis.

Moeglein, US PGPub: US 2005/0037775 A1 Feb. 17, 2005.

None of the reference individually or combined teaches, the claimed feature:

Claim 1:

a Wi-Fi location server, comprising:

a database of Wi-Fi access points for at least one target area having a radius on the order of tens of miles, said database being recorded in a computer-readable medium and including database records for substantially all Wi-Fi access points in the target area, each record including identification information for a corresponding Wi-Fi access point and calculated position information for the corresponding Wi-Fi access point, wherein said calculated position information is obtained from recording multiple readings of the Wi-Fi access point at different locations around the Wi-Fi access point so that the multiple readings have reference symmetry relative to other Wi-Fi access points in the target area when and so that the calculation of the position of the Wi-Fi access point avoids arterial bias in the calculated position information; and

computer-implemented logic to add records to the database for newly-discovered Wi-Fi access points said computer logic including logic to recalculate position information for Wi-Fi access points previously stored in the database to utilize the position information for the newly-discovered readings of previously stored Wi-Fi access points.

Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

Any inquiry concerning this communication from the examiner should be directed to Nimesh Patel at (571) 270-1228, normally reached on Mon-Thur. 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez can be reached on (571) 272-7915.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nimesh Patel
May 5, 2008

/Rafael Pérez-Gutiérrez/
Supervisory Patent Examiner, Art Unit 2617