

## Bilski Diagnostic Methods Big Sample Sheet-1

| S.No. | Publication No.   | Date of Rejection | Filing date | Rejection type         | 101 Rejection | 102 Rejection  | 103 Rejection   | 112 Rejection  |
|-------|-------------------|-------------------|-------------|------------------------|---------------|--|---|--|
| 1     | US<br>20080097240 | 10/22/2008        | 4/11/2007   | 102 and 103 rejections | N/A           | Claims 1,4-7, 80 and 81 are rejected under 35 U.S.C. 102(b) as being anticipated by Henning et al .(US 6,155,992). | 1. Claims 6 is alternately rejected under 35 U.S.C. 103(a) as being unpatentable over Henning et al .(US 6,155,992) in view of Bojan et al. (US 200210099308 AI). 2. Claims 76 and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henning et al .(US 6,155,992) in view of Eppstein et al. (US 200210169394 AI). 3. Claims 77-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henning et al .(US 6,155,992) in view of Eppstein et al. (US 200210169394 AI) and in further view of Bojan et al. (US 200210099308 AI). 4. Claims 84-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henning et al. (US 6,155,992) in view of Bojan et al. (US 200210099308 AI). 5. Claim 83 is rejected under 35 U.S.C. 103(a) as being unpatentable over Henning et al. (US 6,155,992) in view of Roe et al. (US 200410236251 AI). | N/A  |
| 2     | US<br>20080097237 | 4/8/2008          | 9/29/2006   | 103 and 112 rejections | N/A           | N/A  | 1. Claims 1-6, 8, 29, 30, and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 200410243207 to Olson et al. ("Olson") in view of US Pat. No. 5,035,247 to Heimann ("Heimann"). 2. Claims 11, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 200410198469 to Bridger et al. ("Bridger") in view of US Pat. No.5,594,638 to Illiff ("Illiff?"), Olson, and Heimann. 3. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bridger in view of Illiff, Olson, and Heimann as applied to claim 11 above, and further in view of US. Pat. No. 6,409,684 to Wilk ("Wilk").   | Claims 28 and 31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. |

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| 3 | US<br>20080097231 | 12/2/2008  | 10/18/2006 | 102 and 103 rejections      | N/A | Claims 1-2, 4-1 3, 15-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Geva (US 7222054).   | Claims 3, 14, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geva (7222054) in view of Budde (3556084).   | N/A   |
| 4 | US<br>20080097226 | 2/2/2009   | 6/9/2006   | 102, 103 and 112 rejections | N/A | Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurtz et al. (US 4,231,354, hereinafter Kurtz).  | 1. Claims 2, 10-1 2 and 14-1 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurtz in view of Recchia et al. ("Reduced Nitric Oxide Production and Altered Myocardial Metabolism During the Decompensation of Pacing-Induced Heart Failure in the Conscious Dog," hereinafter Recchia). 2. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurtz.   | Claims 9 and 13 are rejected under 35 U.S.C. 1 12, first paragraph, as failing to comply with the enablement requirement.   |
| 5 | US<br>20080097196 | 6/5/2008   | 8/30/2006  | 102, 103 and 112 rejections | N/A | 1. Claims 7 and 14 are rejected under 35 U.S.C. 102(b) as being unpatentable over Kalender (US Patent No. 5,301,672). 2. Claim 20 is rejected under 35 U.S.C. 102(b) as being unpatentable over Chenevert et al. (US Patent No. 6,167,293). | 1. Claims 1-6, 10, 11, 13, 15, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalender (US Patent No. 5,301,672) in view of Gelman (US Patent No. 6,337,992). 2. Claims 8, 9, 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalender (US Patent No. 5,301,672) in view of Gelman (US Patent No. 6,337,992) as applied to claims 7, 10 and 15 above, and further in view of Brown (US Patent No. 5,459,769). 3. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heuscher (US Patent No. 5,262,946). | Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. |
| 6 | US<br>20080097175 | 11/24/2008 | 9/29/2006  | 102 and 103 rejections      | N/A | Claims 10-1 6, 23, 24, and 26-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Ali et al. (US 20051006541 7).   | Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ali et al. (US 20051006541 7) in view of Mechlenburg (US 200110018547).   | N/A   |
| 7 | US<br>20080097173 | 6/12/2008  | 5/30/2007  | 102 and 103 rejections      | N/A | Claims 1 - 3, 11, 16 - 19, 22, 23, 25 - 27, and 32 - 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsuchiya.   | 1. Claims 4 - 10, 12 - 15, 24, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchiya, as applied to claims 1, 3 and 38 above. 2. Claims 20 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchiya as applied to claims 1 and 32 above, and further in view of Arakaki et al. 3. Claims 21, 41, and 42 are rejected under  | N/A   |

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|---|-------------------|-----------|-----------|------------------|-----|-----|--|-----|
|   |                   |           |           |                  |     |     | 35 U.S.C. 103(a) as being unpatentable over Tsuchiya as applied to claims 1 and 34 above, and further in view of Pologe. 4. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pologe in view of Takatani et al. 5. Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchiya for the reasons given in paragraphs 2 and 4 above.   |     |
| 8 | US<br>20080097169 | 12/9/2008 | 8/29/2006 | 103<br>rejection | N/A | N/A | 1. Claims 1-2, 4, 6, 9, 13-14, 16, 21 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pollack et al. (US 56661 04) in view of Rosenfeld (US 58271 91 ). 2. Claims 3 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pollack modified by Rosenfeld as applied to claim 1 above, and further in view of Daly et al. 3. Claims 5, 22, 24, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pollack modified by Rosenfeld as applied to claims 1 above, and further in view of Butte et al. 4. Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pollack modified by Rosenfeld as applied to claims 6 and 9 above, and further in view of Policker et al. (US 7330753). 5. Claims 8, 11, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pollack, Rosenfeld and Policker as applied to claims 6 and 9 above, and further in view of Ganguly et al. (US 4926871 ). 6. Claims 12 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pollack modified by Rosenfeld as applied to claims 1 and 9 above, and further in view of Mault et al. (US 200302081 13). 7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pollack and Rosenfeld as applied to claim 1 above, and further in view of | N/A |

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|----|-------------------|-----------|------------|-----------------------------|-----|---|---|--|
|    |                   |           |            |                             |     |   | Bowman et al. (US 20050283327). 8. Claims 23, 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pollack modified by Rosenfeld and Butte as applied to claims 22 and 24 above, and further in view of Shalon et al. (US 20060064037).   |  |
| 9  | US<br>20080091122 | 6/30/2008 | 11/13/2007 | 102 and 103 rejections      | N/A | 1. Claims 50 - 52, 62, 64 66, 68,70,72 and 74 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,448,996 to Bellin et al. 2. Claims 47,49 - 52, 62, 64 - 68, 70, 72 and 74 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 5,846,206 to Bader. | Claims 48 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,846,206 to Bader.   | N/A  |
| 10 | US<br>20080091121 | 12/1/2008 | 3/20/2007  | 102, 103 and 112 rejections | N/A | Claims 1-9, 13-14 and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Asada (U.S. Patent No. 6,236,037 BI).   | Claims 10-1 2, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asada (U.S. Patent No. 6,236,037 BI).  | Claim 15 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.                             |
| 11 | US<br>20080091114 | 2/19/2009 | 12/29/2006 | 102, 103 and 112 rejections | N/A | 1. Claims 8, 10, 22-26, 30, 31 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Hess (200710156061 ). 2. Claims 34, 35, 36 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Stahmann (200610258952).  | 1. Claims 1-6, 9, 11 -21, 27-29, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hess (200710156061) in view of Stahmann (200610258952). 2. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hess (200710156061) in view of Stahmann (200610258952) as applied to claim 1 above, and further in view of Pitts Crick (6,104,949). 3. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sta hmann (200610258952). | Claims 1, 4, 5, 7, 9, 11, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. |
| 12 | US<br>20080091092 | 2/9/2009  | 10/12/2007 | 103 and 112 rejections      | N/A | N/A   | Claims 1-8 and 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ali et al. (US 20021003531 5).  | Claims 4-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and   |

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|----|-------------------|------------|-----------|------------------------|--|--|-----|---|
|    |                   |            |           |                        |  |  |     | distinctly claim the subject matter which applicant regards as the invention.   |
| 13 | US<br>20080091090 | 11/28/2008 | 7/9/2007  | 102 rejection          | N/A  | 1. Claims 1,2,4 - 6,8 - 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Segalowitz U.S. Patent No. 5,511,553. 2. Claims 1 - 5 and 7 - 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Stivoric et al. U.S. Patent No. 7,285,090.       | N/A | N/A   |
| 14 | US<br>20080091089 | 11/28/2008 | 7/9/2007  | 102 rejection          | N/A  | 1. Claims 1,2,4 - 6,8 - 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Segalowitz U.S. Patent No. 5,511,553. 2. Claims 1 - 3,5,7 - 16, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Stivoric et al. U.S. Patent No. 7,285,090. | N/A | N/A   |
| 15 | US<br>20080091086 | 3/2/2009   | 10/9/2007 | 101 and 102 rejections | Claims 1-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. | Claims 1- 16 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 01185021 A1 to Aguilera et al.   | N/A | N/A   |
| 16 | US<br>20080086060 | 8/21/2008  | 12/3/2007 | 112 rejection          | N/A  | N/A  | N/A | 1. Claims 1-7, 9-20 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for quaternary amines, does not reasonably provide enablement for "an ion-balance reagent". 2. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. |

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|----|-------------------|------------|-----------|-----------------------------------|--|---|---|--|
| 17 | US<br>20080086045 | 10/22/2008 | 12/7/2007 | 101, 103<br>and 112<br>rejections | 1. Claims 1-30 and 58-1 06 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-45 of U.S. Patent No. 7,309,607. 2. Claims 1-6, 10-15,21-33,35, 58-63, 67-72, 76, 82-84, 88 and 95-105 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 25,28,33-47 and 49-5 1 of copending Application No. 1 11409,735. | N/A   | 1. Claims 58-67,70-71,78-88 and 105-107 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cusak et al (US 5,372,946, submitted in the IDS filed on December 7,2007). 2. Claims 68-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cusak et al (5,372,946) in view of Blake (US 5,316,730, also cited in the IDS filed on December 7,2007). 3. Claims 72-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cusak et al in view of Jaeger (US 4,116,635, also cited in the IDS filed on December 7,2007). 4. Claims 76-77 and 95-1 04 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cusak et al in view of Beythien et al (article submitted in the IDS filed on December 7,2007). 5. Claims 89-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cusak et al in view of Applicant's admitted prior art in the specification. | Claims 16 and 95 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. |
| 18 | US<br>20080086044 | 9/25/2008  | 3/26/2007 | 102 and 103<br>rejections         | N/A  | 1. Claims 1-3, 5, 6, 8, 13-1 5, 17, 22, and 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,128,519 to Say. 2. Claims 1-3, 5-7, 13, 14, 22, and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,335,658 to Bedingham. | 1. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Say, as applied to claims 1-3, 5, 6, 8, 13-1 5, 17, 22, and 24-27 above, and further in view of US Patent No. 6,123,827 to Wong et al. Say lacks allowing a temperature of the reference solution to equilibrate with a temperature of the host. 2. Claims 9, 10, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Say, as applied to claims 1-3, 5, 6, 8, 13-1 5, 17, 22, and 24-27 above, and further in view of US Patent No. 5,976,085 to Kimball et al. 3. Claims 9-1 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bedingham, as applied to claims 1-3, 5-7, 13, 14, 22, and 25-27 above, and further in view of US Patent No. 5,976,085 to Kimball et al. 4. Claims 28 and 31 are rejected under 35   | N/A  |

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|----|-------------------|------------|------------|-----------------------------------|---|---|--|-----|
|    |                   |            |            |                                   |   |   | U.S.C. 103(a) as being unpatentable over US Patent No. 5,976,085 to Kimball et al. in view of US Patent No. 6,123,827 to Wong et al. 5. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 4,119,406 to Clemens in view of US Patent No. 6,123,827 to Wong et al. and US Patent No. 5,976,085 to Kimball et al..  |     |
| 19 | US<br>20080086038 | 3/6/2009   | 9/18/2007  | 101<br>rejection                  | Claims 1-2 and 4-1 2 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 - 82 of U.S. Patent No. 6,859,280. | N/A   | N/A  | N/A |
| 20 | US<br>20080086035 | 11/14/2008 | 10/20/2006 | 101 and<br>102<br>rejections      | Claims 6-1 0 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by a tangible result.  | Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Barrera US Patent Publication No. 200510145257.   | N/A  | N/A |
| 21 | US<br>20080083414 | 11/13/2008 | 10/20/2006 | 101 and<br>102<br>rejections      | Claims 6-1 0 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by a tangible result.  | Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Barrera US Patent Publication No. 200510145257 which incorporates by reference in paragraph 0019 of the specification, Malackowski et al. US Patent Publication No. 200110034530 (hereinafter Malackowski). | N/A  | N/A |
| 22 | US<br>20080082022 | 11/26/2008 | 9/8/2006   | 101, 102<br>and 103<br>rejections | Claims 1-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.   | Claims 1-8 and 10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Keitzer (US 3,363,619).  | 1. Claims 1-8 and 10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Keitzer (US 3,363,619). 2. Claims 12-1 9 and 21 -24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kreitzer as applied to claims 1-8 and 10 above, and further in view of Rollema (US 5,377,101). 3. Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kreitzer in view of Rollema as applied to claim 12 above, and further in view of Alyfuku (US 5,410,471). | N/A |

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|----|-------------------|------------|-----------|------------------------------|-----|---|--|--|
| 23 | US<br>20080082016 | 2/5/2009   | 10/3/2006 | 103<br>rejection             | N/A | N/A   | Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardahl (US 2005101 77049) in view of Reinhoff, Jr et al. (US 2002/0133495)   | N/A  |
| 24 | US<br>20080082015 | 3/4/2009   | 10/3/2006 | 103<br>rejection             | N/A | N/A   | Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable by Fischell et al. (PG Publication 200410059238) in view of Aversano et al. (200410034284)   | N/A  |
| 25 | US<br>20080082012 | 8/26/2008  | 9/28/2006 | 102<br>rejection             | N/A | Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhou et al (2006101 16596)                          | N/A  | N/A  |
| 26 | US<br>20080082011 | 1/9/2008   | 9/14/2006 | 102 and<br>103<br>rejections | N/A | Claims 1,3 - 15, and 19 - 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Goodman U.S. Patent No. 6,616,613. | Claims 2 and 16 - 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman U.S. Patent No. 6,616,613 in view of Ranta U.S. Patent No. 7,050,798.  | N/A  |
| 27 | US<br>20080082005 | 12/17/2008 | 7/3/2007  | 103 and<br>112<br>rejections | N/A | N/A   | Claims 1, 4, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien in view of Penner, U.S. Patent Application Publication No. 200510288727A1 ("Penner").   | Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.   |
| 28 | US<br>20080081979 | 2/17/2009  | 9/15/2006 | 103<br>rejection             | N/A | N/A   | Claims 1-3, 5-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (Kim) (US 200610025670 A1), and further in view of Chen et al. (Chen) (US 2007101 00952 A1 ).   | N/A  |
| 29 | US<br>20080081975 | 2/13/2009  | 9/28/2006 | 103 and<br>112<br>rejections | N/A | N/A   | 1. Claims 1-13 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thiagarajah et al. "Noninvasive Early Detection of Brain Edema in Mice by Near-Infrared Light Scattering," Journal of Neuroscience Research 80:293-299 in view of Wenzel et al. (US 6,668,181 B2). 2. Claims 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thiagarajah et al. "Noninvasive Early Detection of | Claims 19-28 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for isobestic wavelengths of water 1180 and 1300, does not reasonably provide enablement for isobestic wavelengths in general. |



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|----|-------------------|------------|-----------|-----|-----|--|--|--|
|    |                   |            |           |     |     |  | Brain Edema in Mice by Near-Infrared Light Scattering," Journal of Neuroscience Research 80:293-299 in view of Wenzel et al. (US 6,668,181 B2) and Schmitt et al. (US 200410230106). 3. Claims 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thiagarajah et al. "Noninvasive Early Detection of Brain Edema in Mice by Near-Infrared Light Scattering," Journal of Neuroscience Research 80:293-299 in view of Wenzel et al. (US 6,668,181 B2) and Yamamoto et al. (US 200310088162 A1). 4. Claims 13, 15, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thiagarajah in view of Wenzel as applied to claims 13 and 19 above, and further in view of Giller (US 6,567,690).   |  |
| 30 | US<br>20080081973 | 10/28/2008 | 9/28/2006 | N/A | N/A | Claims 1, 4, 5, 12, 17 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Swedlow et al. 7,417 (cited by Applicant). | 1. Claims 8, 19 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swedlow et al. 7,417, as applied to claims 1, 17 and 25, further in view of Gravenstein et al. 7,825 (USPN 5,101,825). 2. Claims 7, 10, 18, 20, 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swedlow et al. 7,417, as applied to claims 1, 17 and 25, further in view of Gravenstein et al. 7,825, further in view of Aldrich 7,064. 3. Claims 1-3, 5, 7, 9-13, 16, 17, 18, 20, 21, 23, 25, 26, 28, 29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberger et al. 7,464 (USPN 4,685,464) further in view of Hecke 7,995 (US Pub No. 200210137995) further in view of Aldrich 7,064. | Claims 14, 15, 22 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. |

## Section 2

| S.No. | Publication No.   | Date of Rejection | Filing date | Rejection type         | 101 Rejection | 102 Rejection  | 103 Rejection   | 112 Rejection |
|-------|-------------------|-------------------|-------------|------------------------|---------------|--|---|---------------|
| 31    | US<br>20080183104 | 1/30/2009         | 1/11/2008   | 102 and 103 rejections | N/A           | Claims 12-14 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by DiGioia, III et al. | Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over DiGioia in view of Taylor et al. (US | N/A           |

|    |                   |           |           |                             |  |   |  |   |
|----|-------------------|-----------|-----------|-----------------------------|--|---|--|---|
|    |                   |           |           |                             |  | (US 6,002,859, hereinafter DiGioia) as broadly as claimed.  | 6,231,526 B1, hereinafter Taylor).   |   |
| 32 | US<br>20080171949 | 3/23/2009 | 1/18/2007 | N/A                         | N/A  | Claim 30 is rejected under 35 U.S.C. 102(b) as being anticipated by Alfano (US 5042494)                                 | 1. Claims 1-4, 7-9, and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coppleson et al. (US 5800350) in view of Nordstrom et al. (US 71 27282). 2. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coppleson et al. modified by Nordstrom as applied to claim 2 above, and further in view of Baharav et al. (US 697271 4). 3. Claims 10-1 6 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baharav et al (US 6972714) in view of Nordstrom et al. (US 7127282). 4. Claims 17-22, 24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baharav et al. modified by Nordstrom as applied to claim 10 above, and further in view of Coppleson et al. (US 5800350). 5. Claims 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baharav modified by Nordstrom and Coppleson as applied to claim 17 above, and further in view of Jacques (US 4364008). 6. Claims 31 -32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alfano as applied to claim 30 above, and further in view of Coppleson (US 5800350) and Nordstrom et al. (US 7127282). | N/A   |
| 33 | US<br>20080167565 | 1/8/2009  | 1/9/2007  | 102, 103 and 112 rejections | N/A  | Claims 1-7, 12, 15-21, 25, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Burton (US 200710032733). | Claims 8-1 0, 13-1 4, 22-24, and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burton (US 200710032733) in view of Flick et al. (US 6993377).   | 1. Claims 15-28 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. |
| 34 | US<br>20080166031 | 8/21/2008 | 3/14/2008 | 101, 102 and 103 rejections | Claims 1, 2 and 23 are rejected on the ground of nonstatutory obviousness-type | Claims 1-5, 7-10, 12-15, 17-20, 22 and 23 are rejected under 35 U.S.C. 102(e) as  | Claims 6, 11, 16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over   | N/A   |

|    |                   |            |            |                  |   |   |  |     |
|----|-------------------|------------|------------|------------------|---|---|--|-----|
|    |                   |            |            |                  | double patenting as being unpatentable over claim claims I , 3 and 43 of copending Application No. 10/873,660 in view of Moriyama et al. (U.S. Publication number 2004/0086163A1) | being anticipated by Moriyama et al., "Moriyama" (U.S. Publication number 2004/0086163A1) | Moriyama as applied to claim 1 above in view of (Nonlinear Dynamics Ltd., TotalLab Applications, image analysis software for ID, electrophoresis gels, blots and colonies, www.nonlinear.com website, published 9/21/2004 from IDS).   |     |
| 35 | US<br>20080161731 | 12/10/2008 | 12/27/2006 | 103<br>rejection | N/A   | N/A   | 1. Claims I, 2, I I, 29, 30 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kramer (US 200310083596 A1) in view of Song (US 2004101 67420 A1 )<br>2. Claims 3, 5, 12, 31, 33 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kramer (US 200310083596 A1) in view of Song (US 2004101 67420 A1) as applied to claims 1 and 29 above, an in further view of Solomonow et al. (US 5628722)<br>3. Claims 4, 6, 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kramer (US 200310083596 A1) in view of Song (US 2004101 67420 A1) and Solomonow et al. (US 5628722) as applied to claims 3,5,31 and 33 above, and in further view of Vosch (US 2007100731 32).<br>4. Claims 7, 8, 13, 35, 36 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kramer (US 200310083596 A1) in view of Song (US 2004101 67420 A1) as applied to claims 1 and 29, and in further view of Vosch (US 2007100731 32).<br>5. Claims 9, 10 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kramer (US 200310083596 A1 ) in view of Song (US 2004101 67420 A1 ) as applied to claims 1 and 29, and in further view of Brann (US 6,059,576).<br>6. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kramer (US 200310083596 A1 ) in view of Song (US 2004101 67420 A1 ) | N/A |

|    |                   |            |            |                             |   |   |  |  |
|----|-------------------|------------|------------|-----------------------------|---|---|--|--|
|    |                   |            |            |                             |   |   | and Vosch (US 2007100731 32) as applied to claim 35 above and in further view of Brann (US 6,059,576).   |  |
| 36 | US<br>20080161709 | 12/24/2008 | 10/13/2006 | 102 and 103 rejections      | N/A   | Claims 1-3, 7-1 2, 14 and 16-1 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Mault (US 20021-1 73728).  | 1. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mault (US 2002101 73728) in view of Yasushi et al. (6,485,418). 2. Claims 4-6, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mault (US 2002101 73728) in view of Jones, Jr. et al. (US 5,076,093).   | N/A  |
| 37 | US<br>20080161708 | 9/8/2008   | 8/4/2006   | 102 and 103 rejections      | N/A   | 1.Claims 1-3, 5-7, 22-27, 30-32 and 35-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Taha et al. (US patent 6,564,090). 2. Claims 7, 9, 25, 29, 30, 34, 35 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Berger (US Patent 5,560,368). 3. Claims 10-1 3 and 16-1 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Starobin et al. (US Patent 6,361,503). | 1. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taha et al. (US patent 6,564,090) in view of Morganroth (US Pub. 20030097077). 2. Claims 8, 28, 33 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taha et al. (US patent 6,564,090) in view of Millar et al. (Correlation between refractory periods... ). 3. Claims 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Starobin et al. (US Patent 6,361,503) in view of Millar et al. (Correlation between refractory periods... ). 4. Claims 15 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Starobin et al. (US Patent 6,361,503) in view of Berger (US Patent 5,560,368). | N/A  |
| 38 | US<br>20080161701 | 11/13/2008 | 12/28/2006 | 102 and 112 rejections      | N/A   | Claims 1-9 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Haller et al. (US 200210052539).  | N/A  | Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. |
| 39 | US<br>20080161698 | 8/28/2008  | 1/3/2007   | 101, 102 and 103 rejections | Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim language is drawn to method of "determining", | Claims 1-3, 5-13, 15-20, are rejected under 35 U.S.C. 102(b) as being anticipated by Tearney et al. (U.S. 2003/0028100 Al) hereinafter "Tearney".   | Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tearney et al. (U.S. 200310028 100 Al) in view of Nordstrom et al. (U.S. 20021017777 Al).   | N/A  |

|    |                   |           |            |                        |  |  |   |     |
|----|-------------------|-----------|------------|------------------------|--|--|---|-----|
|    |                   |           |            |                        | "analyzing", and "locating" and have no tangible, useful, or concrete result, and are hence non-statutory. |  |   |     |
| 40 | US<br>20080161668 | 2/12/2009 | 12/29/2006 | 103 rejection          | N/A  | N/A  | 1. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Haim (US 20020087089) in view of Rosenberg et al. (US 20060275775). 2. Claims 1, 2, and 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shafir (US 6371 930) in view of Ben-Haim (WO 97124981). 3. Claims 13-1 6, and 22-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shafir (US 6371 930) in view of Rosenberg et al. (US 200610276775). 4. Claims 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shafir in view of Ben-Haim and Further in view of Hilton et al. (US 3250012). | N/A |
| 41 | US<br>20080161653 | 2/5/2009  | 4/16/2007  | 102 and 103 rejections | N/A  | Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by TW 357077. ?707 discloses in the English translation, and by applicant?s admission in the disclosure, all of the limitations of the instant invention | Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lubell.   | N/A |
| 42 | US<br>20080154143 | 2/5/2009  | 1/11/2007  | 102 and 103 rejections | N/A  | Claims 1, 2, 4-7, 9, 10, 12-1 4 and 16-1 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Xue et al. U.S. Patent Publication No. 200510038352 Al. Xue et al. ?352 anticipates:                                  | 1. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xue et al. ?352 as applied to claims 1 and 9 above, and further in view of Arnold et al. U.S. Patent No. 5,713,367. 2. Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xue et al. ?352 as applied to claims 1 and 9 above, and further in view of Xue et al. U.S. Patent No. 5,792,065.  | N/A |
| 43 | US<br>20080154122 | 1/10/2008 | 12/21/2006 | 102 and 103 rejections | N/A  | Claims 1-2 and 7-1 0, 12, 16-1 7, and 19 are rejected under 35 U.S.C. 102(b) as  | 1. Claims 3, 11, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over  | N/A |

|    |                   |           |            |                        |     |  |   |   |
|----|-------------------|-----------|------------|------------------------|-----|--|---|---|
|    |                   |           |            |                        |     | being anticipated by Slager (USPN 5,771,895).  | Slager in view of Walczak et al. (Pub. No. 2006101 551 88). 2. Claims 4-5, 13-14, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slager in view of Yim et al. (Pub. No. 2002101 36440) and Cohen-Solal (USPN 5,933,518). 3. Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slager in view of Yim and Cohen-Solal as applied to claims 4 and 13 above, and further in view of Kohle (Pub. No. 200410096088).  |   |
| 44 | US<br>20080154098 | 5/19/2008 | 12/20/2006 | 102 and 112 rejections | N/A | Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki et al. US Patent Number 6,569,094 B2. | N/A   | Claims 7 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. |
| 45 | US<br>20080146956 | 2/12/2009 | 12/17/2006 | 103 and 112 rejections | N/A | N/A  | 1. Claims 1,4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vallejo (U.S. Patent 6,171,811) in view of Ohara et al., Journal of Gastroenterology 2004: 39:621-628. 2. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vallejo (U.S. Patent 6,171,811) in view of Ohara et al., Journal of Gastroenterology 2004: 39:621-628, and further in view of Wong et al., Ailment Pharmacol Ther 2003; 17: 253-257. 3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vallejo (U.S. Patent 6,171,811), in view of Ohara et al., Journal of Gastroenterology 2004: 39:621-628 and further in view of Aygen (U.S. Patent Application Publication 20060 17 1887). 4. Claims 6, 8- 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vallejo (U.S. Patent 6,171,811) in view of Meretek's proposed BREATHTEK™ Urea Breath Test package insert for Helicobacter pylori. | Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.          |

|    |                   |           |           |                        |     |  |   |     |
|----|-------------------|-----------|-----------|------------------------|-----|--|---|-----|
|    |                   |           |           |                        |     |  | <p>5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vallejo (U.S. Patent 6,171,811) in view of Meretek's proposed BREATHTEK™ Urea Breath Test package insert for Helicobacter pylori, in view of Aygen (U.S. Patent Application Publication 20060171887).</p> <p>6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vallejo (U.S. Patent 6,171,811) in view of Meretek's proposed BREATHTEK™ Urea Breath Test package insert for Helicobacter pylori, in view of Ohara et al., Journal of Gastroenterology 2004; 39:621-628, and further in view of Wong et al., Ailment Pharmacol Ther 2003; 17: 253-257.</p>  |     |
| 46 | US<br>20080146905 | 3/19/2009 | 10/4/2006 | 102 and 103 rejections | N/A | <p>Claims 1-4, 6-11, 19, 20, 26, 27, 28, 31, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Weinberg (US 5,519,221).</p> | <p>Claims 5, 12-18, 21-25, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weinberg (US 5,519,221) in view of Nelson et al (US 7,291,841 B2).</p>  | N/A |
| 47 | US<br>20080146897 | 3/13/2009 | 12/7/2005 | 103 rejection          | N/A | N/A  | <p>1. Claims 1-6, 8, 9, 11, 12, 14, 15, 21-23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gayen et al (Two-dimensional near-infrared transillumination imaging of biomedical media with a chromium-doped forsterite laser. Applied Optics 37(22) p. 5327-5336. 1998), hereinafter Gayen (1998), of record, in view of Levenson et al (US Patent No. 6,750,964), hereinafter Levenson (?964).</p> <p>2. Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gayen (1998) and Levenson (?964) as applied to claim 1 above, and further in view of Alfano (US Patent No. 5,371,368), hereinafter Alfano (?368), of record.</p> <p>3. Claims 13, 16-19 and 24 are rejected under 35 U.S.C. 103(a) as being</p> | N/A |

|    |                   |          |            |                                   |     |   |  |   |
|----|-------------------|----------|------------|-----------------------------------|-----|---|--|---|
|    |                   |          |            |                                   |     |   | unpatentable over Gayen . (1998) and Levenson (?964) as applied to claims 2 and 15 above, and further in view of Wang et al (Ballistic 2-D Imaging Through Scattering Walls Using an Ultrafast Optical Kerr Gate. Science. 253:p. 769-771. 1991), hereinafter Wang (1991), of record.  |   |
| 48 | US<br>20080139967 | 2/4/2009 | 10/18/2006 | 102, 103<br>and 112<br>rejections | N/A | Claims 1, 5-10, and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent Publication 2002101 93670 (Garfield et al.). | <p>1. Claims 1, 5, 6, 10, 11, 14-17, 20, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Publication 2002101 93670 (Garfield et al.) as modified by United States Patent 6421558 (Huey et al.). 2. Claims 3, 4, 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garfield et al. as modified by Huey et al. as applied to claims 1, 5, 6, 10, 11, 14-17, 20, 21 and 22 above, and further in view of United States Patent 6663570 (Mott et al.). 3. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garfield et al. as modified by Huey et al. as applied to claims 1, 5, 6, 10, 11, 14-17, 20, 21 and 22 above, and further in view of United States Patent 5301 680 (Rosenberg). 4. Claims 12 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garfield et al. as modified by Huey et al. as applied to claims 1, 5, 6, 10, 11, 14-17, 20, 21 and 22 above, and further in view of United States Patent 4781 200 (Baker). 5. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garfield et al. as modified by Huey et al. and Mott et al. as applied to claims 3, 4, 19 and 23 above, and further in view of Baker. 6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garfield et al. as modified by Huey et al. as applied to</p> | 1. Claim 8 contains the trademarks/trade names Bluetooth, Wi-Fi, Zigbee, and wireless USB. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. |



|    |                   |            |           |                             |   |  |   |     |
|----|-------------------|------------|-----------|-----------------------------|---|--|---|-----|
|    |                   |            |           |                             |   |  | claims 1, 5, 6, 10, 11, 14-17, 20, 21 and 22 above, and further in view of United States Patent 5442940 (Secker et al.). 6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garfield et al. as modified by Huey et al. as applied to claims 1, 5, 6, 10, 11, 14-17, 20, 21 and 22 above, and further in view of United States Patent 5670749 (Hon). 7. Claims 2-4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garfield et al.  |     |
| 49 | US<br>20080139953 | 12/12/2008 | 11/1/2006 | 101, 102 and 103 rejections | Claims 1-44 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. | Claims 1-3 & 15-18 rejected under 35 U.S.C. 102(b) as being anticipated by Abreu (US 2004/0242976) | 1. Claims 4-7 & 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abreu (US 200410242976) in view of Owen et al. (US 200310055460). 2. Claims 30-32, 39 & 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abreu (US 200410242976) in view of Owen et al. (US 200310055460). 3. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abreu (US 200410242976) in view of Owen et al. (US 200310055460). 4. Claim 19-24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abreu (US 200410242976) in view of Schraag (US 5,309,918). 5. Claims 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abreu (US 200410242976) in view of Ortega et al. (US 200610136001). 6. Claims 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abreu (US 200410242976) in view of Westra et al. (US 200610183434). 7. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abreu (US 200410242976) in view of Eshelman et al. (US 200310001742). 8. Claim 40 is rejected | N/A |

|    |                   |            |           |                                  |   |   |  |   |
|----|-------------------|------------|-----------|----------------------------------|---|---|--|---|
|    |                   |            |           |                                  |   |   | under 35 U.S.C. 103(a) as being unpatentable over Abreu (US 200410242976) in view of Cooper et al. (US 5,294,928)  |   |
| 50 | US<br>20080139951 | 11/26/2008 | 12/8/2006 | 102 and 103 rejections           | N/A   | Claims 1-5, 7-9, 11-12, & 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Porat et al. (USP 6,277,078; hereinafter "Porat").         | 1. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Porat et al. (USP 6,277,078). Porat describes trending the cardiac flow turbulence over a time period; however, the detection of complete occlusion of the blood vessel is not specified. 2. Claims 6 & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Porat et al. (USP 6,277,078) in view of Benedict et al. (USP 5,520,190; hereinafter "Benedict"). 3. Claims 13, 14, & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Porat et al. (USP 6,277,078) in view of Kadhiresan (USP 5,935,081). | N/A   |
| 51 | US<br>20080139899 | 4/23/2008  | 11/2/2007 | 101, 102, 103 and 112 rejections | Claims 1-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. | Claims 1-9 and 12-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Jacobsen et al. US Patent Number 6,198,394 (hereinafter Jacobsen). | Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobsen et al. US Patent Number 6,198,394 (hereinafter Jacobsen) as applied to claim 1 above.   | 1. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. 2. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. 3. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. 4. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which |

|    |                   |            |            |                        |     |  |   |                                     |
|----|-------------------|------------|------------|------------------------|-----|--|---|-------------------------------------|
|    |                   |            |            |                        |     |  |   | applicant regards as the invention. |
| 52 | US<br>20080139898 | 10/28/2008 | 12/7/2006  | 102 rejection          | N/A | Claims 1-1 4, and 29-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Sunvit et al. US Patent Number 6,024,699.  | N/A   | N/A                                 |
| 53 | US<br>20080139891 | 8/26/2008  | 10/25/2006 | 102 and 103 rejections | N/A | Claims 1-6, and 8-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al. US Patent Number 6,302,844 Bl.  | Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. US Patent Number 6,302,844 Bl as applied to claim 1 above, and further in view of Lang 6,758,812 B2   | N/A                                 |
| 54 | US<br>20080132800 | 1/30/2009  | 11/30/2006 | 102 and 103 rejections | N/A | 1. Claims 1,3,4,5 are rejected under 35 U.S.C. 102(b) as being anticipated by Denker et al (6,592,518). 2. Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Dimmer et al (2004101 38554). | 1. Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denker et al (6,592,518) in view of Chinchoy (2004101 72079). 2. Claims 6-1 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chinchoy (2004101 72079) in view of Denker et al (6,592,518). 3. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denker et al (6,592,518) in view of Ben-Heim (6,285,898). 4. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denker et al (6,592,518) in view of Ben-Heim (6,285,898), and further in view of Chinchoy (2004101 72079). 5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dimmer et al (2004101 38554) in view of Chinchoy (2004101 72079). | N/A                                 |
| 55 | US<br>20080132799 | 3/19/2009  | 11/30/2006 | 102 and 103 rejections | N/A | Claims 1-5, 7-8, 10-18, and 20 are rejected under 35 U.S. C. 102(b) as being anticipated by Brunner et a1 (US Patent Application Publication 2003/0004652).  | 1. Claims 6 and 9 are rejected under 35 U.S. C. 103(a) as being unpatentable over Brunner et a1 in view of Karjalainen et a1 (Karjalainen, P. A.; Tarvainen, M. R.; Laitinen, T., "Principal Component Regression Approach for QT Variability Estimation, " Engineering in Medicine and Biology Society, 2005. IEEE-EMBS 2005. 27th Annual International Conference, vol.,  | N/A                                 |

|    |                   |           |            |                             |   |  |   |  |
|----|-------------------|-----------|------------|-----------------------------|---|--|---|--|
|    |                   |           |            |                             |   |  | no., pp. 1145-1 147, 17-18 Jan. 2006) 2. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brunner et al in view of Berger (US Patent No. 5,560,368).  |  |
| 56 | US<br>20080132797 | 3/6/2009  | 10/31/2007 | 103 rejection               | N/A   | Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Publication No. 200210172323 to Karellas et al.  | N/A   | N/A  |
| 57 | US<br>20080132782 | 8/20/2008 | 1/27/2005  | 103 rejection               | N/A   | N/A  | Claims 1 - 20 are rejected under 35 USC 103(a) as being obvious over Uzgris et al. (US 6470,204 B1) in view of Greenleaf et al. (US 2001/0053384 A1).   | N/A  |
| 58 | US<br>20080132777 | 3/3/2009  | 2/1/2005   | 101, 103 and 112 rejections | Claims 21 - 40 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 - 17 of copending Application No. 11/044,239. | N/A  | 1. Claims 21 - 40 and 45 are rejected under 35 USC 103(a) as being obvious over Helfer (US 6,925,322 B2) in view of Uzgris et al. (US 6,470,204 B1). 2. Claims 41 - 44 are rejected under 35 USC 103(a) as being obvious over Helfer (US 6,925,322 B2) in view of Uzgris et al. (US 6,470,204 B1), in view of Tsujita (US 5,879,284). | Claims 1, 34, 36, and 41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. |
| 59 | US<br>20080119724 | 3/18/2009 | 11/17/2006 | 102 and 103 rejections      | N/A   | 1. Claims 1, 10-11 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by DiGioia III et al. (US Patent No. 5,880,976). 2. Claims 1-4, 7-14 and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Mire et al. (US Pub No. 200410171924). 3. Claim 1, 6-7, 9-11, 15-16, 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sahay et al. (US Patent No. 5,824,085). | Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mire et al. as applied to claim 1 above, and further in view of Bisek et al. (US Patent No. 5,306,306)  | N/A  |
| 60 | US<br>20080119709 | 10/8/2008 | 10/31/2006 | 101, 102 and 103 rejections | Claims 1-18 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-30 of copending Application No. 11/155515.       | 1. Claims 1, 4, 6, 7, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Zocchi (US Patent Application Publication 200610040333). 2. Claims 1 and 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by  | Claims 11 - 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Causey (US Patent Application Publication 200410073095) in view of Zocchi.   | N/A  |

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|    |                   |            |            |                                  |   | Rasdal (US Patent Application Publication 2005101 54271 ).   |  |  |
| 61 | US<br>20080119708 | 3/17/2009  | 10/25/2006 | 103 and 112 rejections           | N/A   | N/A  | Claims 21 -30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. 200310050546 to Desai et al in view of US Patent Application Publication No. 2003101 3061 6 to Steil et al. Regarding claim 21, Desai discloses a method comprising monitoring a data stream associated with an analyte level, wherein a current signal is generated associated with the data stream. | Claims 27 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.     |
| 62 | US<br>20080119705 | 10/2/2008  | 10/31/2007 | 101, 102, 103 and 112 rejections | Claim 20 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. | 1. Claims 1-2, 4-7 and 9-19 are rejected under 35 U.S.C. 102(a) as being anticipated by "eDiab: A system for Monitoring, Assisting and Educating People with Diabetes", ICCHP, 2006 to Luque et al (Hereinafter "Luque"). 2. Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by 2002101 93679 to Malave et al (Hereinafter "Malave"). | 1. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luque in view of US 2002101 93679 to Malave et al (Hereinafter "Malave"). 2. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luque in view of US 200610025663 to Talbot et al (Hereinafter "Talbot").   | Claims 11, 16 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. |
| 63 | US<br>20080119702 | 3/23/2009  | 10/31/2006 | 102 and 103 rejections           | N/A   | Claims 1-9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Saidara (US 200510038332).   | 1. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saidara in view of Peterka (US 200610004603). 2. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saidara in view of Morrison (US 200610293577).   | N/A  |
| 64 | US<br>20080114269 | 6/24/2008  | 10/10/2007 | 102 and 103 rejections           | N/A   | Claims 1-6 and 9-1 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown et al. (US 6,331,893 B1, hereinafter Brown).  | Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (US 6,331,893 B1, hereinafter Brown).   | N/A  |
| 65 | US<br>20080114214 | 11/13/2008 | 10/20/2006 | 101 and 102 rejections           | Claims 6-10 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by a tangible result.   | Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Barrera US Patent Publication No. 200510145257 which incorporates  | N/A  | N/A  |

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|    |                   |            |            |                             |  | by reference in paragraph 0019 of the specification, Malackowski et al. US Patent Publication No. 200110034530 (hereinafter Malackowski).   |  |   |
| 66 | US<br>20080114212 | 11/13/2008 | 10/10/2006 | 101 and 102 rejections      | Claims 10-18 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by a tangible result. | Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Barrera US Patent Publication No. 200510145257 which incorporates by reference in paragraph 0019 of the specification, Malackowski et al. US Patent Publication No. 200110034530 (hereinafter Malackowski). | N/A  | N/A   |
| 67 | US<br>20080108913 | 11/7/2008  | 11/6/2006  | 102 and 103 rejections      | N/A  | Claims 1-8, 10-18 and 20-25 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Billing (applicant submitted Foreign Reference WO 200510371 03).   | Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Billing as applied in claims 1 and 12 above, and further in view of Guan (US 200510046 1 39). | N/A   |
| 68 | US<br>20080108910 | 12/29/2008 | 10/7/2007  | 102 rejection               | N/A  | Claims 22-44 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Deck et al (US 200810082023).   | N/A  | N/A   |
| 69 | US<br>20080108906 | 12/24/2008 | 11/8/2006  | 102, 103 and 112 rejections | N/A  | Claims 1-6, 11-13, and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Albrecht et al. (U.S. Patent No. 5,755,671).   | Claims 7-10 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albrecht et al.   | Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.               |
| 70 | US<br>20080108884 | 3/3/2009   | 9/24/2007  | 102, 103 and 112 rejections | N/A  | Claims 1-5, 11, and 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith (US Patent Number 6,980,419 B2).  | N/A  | Claims 1-5, 11, 13 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. |
| 71 | US<br>20080108883 | 1/8/2009   | 11/2/2007  | 102 and 103 rejections      | N/A  | 1. Claims 1-6, and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kiselik (US 7066896). 2. Claims 11, and 12  | 1. Claims 1-2, 4-6, 9-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiselik (US 7066896) in view of Einav et al. (US                                     | N/A   |

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|----|-------------------|-----------|------------|-----------------------------|--|---|--|-----|
|    |                   |           |            |                             |  | are rejected under 35 U.S.C. 102(b) as being anticipated by Shenoy et al. (US 660901 7).  | 2006029361 7). 2. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kiselik modified by Einav as applied to claim 4 above, and further in view of Brown (US 6692449). 3. Claims 14-17, 19-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott (US 61 55993) in view of Brown (US 6692449). 4. Claims 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shenoy and Brown as applied to claims 14 and 15 above, and further in view of Scott (US 61 55993).   |     |
| 72 | US<br>20080103416 | 2/4/2009  | 12/17/2007 | 103 rejection               | N/A  | N/A   | Claims 1-4, 7-1 1, 14-17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,916,179 to Sharrock ("Sharrock") in view of US Pat. No. 4,739,211 to Strachan ("Strachan").  | N/A |
| 73 | US<br>20080103402 | 3/18/2009 | 10/30/2006 | 102 and 103 rejections      | N/A  | Claims 1-4, 7-1 6, 18-23, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Morgan (US 461 0254).  | 1. Claims 5, 6, 17, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan (US 461 0254). 2. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan (US 461 0254) in view of Tamura (US 200310080712).  | N/A |
| 74 | US<br>20070244373 | 4/30/2008 | 5/2/2006   | 101, 102 and 103 rejections | 1. Claims 1-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. 2. Claims 18 and 25 are rejected under 35 U.S.C. 101, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and to overcome the 101 rejection | 1. Claims 1, 4, 6, 8, 9, 12, and 19 are rejected under 35 U.S.C. 102(a) and 102(e) as being anticipated by US Patent Application Publication No. 200310014742 to Lewkowicz et al. 2. Claims 1-6, 8-1 0, 12, 16, 17, 19, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication No. 200410050394 to Jin. | 1. Claims I, 10, II, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,442,413 to Silver in view of US Patent Application Publication No. 200310014742 to Lewkowicz et al. 2. Claims 7, 13, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jin, as applied to claims 1-6, 8-1 0, 12, 16, 17, 19, and 20 above, and further in view of US Patent No. 6,477,406 to Turcott. 3. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lewkowicz, as applied to Claims I, 4, 6, 8, 9, 12, and | N/A |

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|  |  |  |  |  |  | 19 above, and<br>further in view of US<br>Patent No.<br>6,689,056 to<br>Kilcoyne et al. |  |
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