REMARKS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 1-20 are pending. Claims 1-3 and 20 have been amended by way of the present amendment. Support may be found throughout the originally filed disclosure. No new matter has been added.

In the outstanding Office Action, Claims 1-20 were rejected under 35 U.S.C. §103 as being unpatentable over Andersen (U.S. Publication No. 2014/0185805) in view of Lamenza (U.S. Publication No. 2015/0061404).

Addressing the rejection of Claims 1-20 under 35 U.S.C. §103 as unpatentable over Andersen and Lamenza, Applicant respectfully traverses this rejection.

Amended Claim 1 recites, in part,

> receiving, by the implanted device from a second external device, a varying magnetic field that includes a pairing code, the second external device being different from the first external device and the implanted device,
>
> detecting, by the implanted device, the varying magnetic field received from the second external device that includes the pairing code;
>
> analyzing, by the implanted device, the varying magnetic field received from the second external device that includes the pairing code to identify the pairing code;
>
> performing, by the implanted device, a key exchange using the pairing code;
>
> determining, by the implanted device, whether values exchanged in the key exchange match; and
>
> confirming or rejecting, by the implanted device, a wireless connection between the implanted device and the first external device based on determining whether the values exchanged in the key exchange match.

To briefly summarize, the process of Claim 1 sets forth three different devices – an implanted device, a first external device, and a second external device. The implanted device ***receives*** a varying magnetic field that includes ***a pairing code from the second external device***, and this pairing code received from the second external device is then ***used to confirm***

or reject a wireless connection between the implanted device and the first external device (a device that is different from the second external device from which the pairing code was received).

Such concepts are nowhere discussed or suggested by Andersen and Lamenza.

Turning first to Andersen, this reference discusses setting up communication between a programmer device 120 and an implantable device 106. In Andersen, this communication is initiated by a clinician swiping a magnet 220 over the implantable device 106. According to Andersen, if a magnetic field is sensed and a request for authorization is made by the programmer 120 to the implantable device 106, then the implantable device 106 sends a cipher key to the programmer 120.[1]

Thus, Andersen does not disclose or suggest the configuration of three different devices as set forth in Applicant's Claim 1. In particular, as previously emphasized, Andersen's magnet 220 is a simple magnet and such a simple magnet cannot produce a varying magnetic field that includes any type of pairing code.

As such, Andersen does not (and cannot) disclose or suggest receiving, *by the implantable device 106 from the magnet 220*, a varying magnetic field that includes a pairing code, and then using this pairing code received from the magnet 220 to confirm or reject a wireless connection between the implantable device 106 and the programmer device 120 (a device that is different from the magnet 220 from which the pairing code was received).

The Office Action relies on Lamenza's paragraph [0252] to show that two devices can "initiate energy transfer" in such a way that "a source may energize one or more of its source resonators thereby generating an oscillating magnetic field in proximity of the source."

Even assuming *arguendo* that Lamenza suggests that two devices can send information via a magnetic field, Lamenza is also silent with respect to the concept of three different

[1] Andersen: paragraph [0065].

devices; the implanted device receiving a varying magnetic field that includes a pairing code from the second external device, and this pairing code received from the second external device then being used to confirm or reject a wireless connection between the implanted device and the first external device (a device that is different from the second external device from which the pairing code was received).

In fact, even assuming *arguendo* that Lamenza's concept is introduced in the system of Andersen, the combination would still not teach or in any way suggest receiving, by Andersen's implantable device 106 from Andersen's magnet 220, a varying magnetic field that includes a pairing code, and then using this pairing code received from Andersen's magnet 220 to confirm or reject a wireless connection between Andersen's implantable device 106 and Andersen's programmer device 120 (a device that is different from Andersen's magnet 220 from which the pairing code was received).

This is again because Lamenza does not disclose or suggest a process in which three different devices communicate in the way set forth by Applicant's Claim 1.

Hence, the Andersen and Lamenza references fail to teach, suggest, or in any way render obvious all of the features recited by Claim 1.

Turning next to independent Claim 8, this claim recites, in part,

> detecting, by the implanted device, neural signals from a brain of the subject;
> analyzing, by the implanted device, the neural signals to identify a pairing code;
> performing, by the implanted device, a key exchange using the pairing code;
> determining, by the implanted device, whether values exchanged in the key exchange match; and
> confirming or rejecting, by the implanted device, a wireless connection between the implanted device and the external device based on determining whether the values exchanged in the key exchange match.

The outstanding Office Action appears to merely recycle the same rejection as set forth for Claim 1, without considering the specific language of Claim 8. Claim 8 sets forth among

other things the concepts of ***detecting***, by the implanted device, ***neural signals from a brain of the subject***, and ***analyzing***, by the implanted device, ***the neural signals to identify a pairing code***.

Andersen and Lamenza are silent with regard to such features.

At best, Andersen mentions having an implantable device 106. However, Andersen never discloses or suggests any type of detection of neural signals from the brain of the subject – let alone ones that are then analyzed to identify a pairing code.

Again, the concept of analyzing neural signals (from a brain of the subject) to identify a pairing code is never mentioned by Andersen.

Such concepts are also nowhere found in Lamenza as this reference is completely unrelated to the field of implantable devices.

Consequently, the Andersen and Lamenza references fail to teach, suggest, or in any way render obvious all of the features recited by independent Claim 8.

Turning next to independent Claim 13, this claim recites, in part,

> identifying, by the implanted device, a first pairing code via a key exchange with the first external device;
>
> transmitting, by the implanted device, the first pairing code to a second external device to output the first pairing code;
>
> responsive to transmitting the first pairing code to the second external device, receiving, by the implanted device, a code confirmation from the subject via the second external device, wherein the code confirmation indicates a match between the first pairing code and a second pairing code output by the first external device; and
>
> confirming, by the implanted device, a wireless connection between the implanted device and the first external device based on receiving the code confirmation.

The outstanding Office Action again appears to merely recycle the same rejection as set forth for Claim 1, without considering the specific language of Claim 13. Claim 13 sets forth among other things the concepts of ***identifying***, ***by the implanted device***, ***a first pairing code***

via a key exchange ***with the first external device***, and then ***transmitting, by the implanted device, the first pairing code to a second external device*** to output the first pairing code.

The concepts of an implanted device identifying a first pairing code from a first external device and then transmitting this code to a second external device are nowhere taught or suggested in Andersen and Lamenza.

Again, as noted above, Andersen and Lamenza never disclose or suggest a communication between three different devices – the implanted device, the first external device, and the second external device.

Therefore, the Andersen and Lamenza references fail to teach, suggest, or in any way render obvious all of the features recited by independent Claim 13.

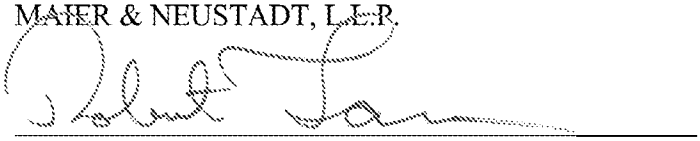
Accordingly, Applicant respectfully requests the rejection of independent Claims 1, 8, and 13, and claims depending respectively therefrom, be reconsidered and withdrawn.

Therefore, it is respectfully submitted that pending Claims 1-20 are allowable.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully Submitted,

OBLON, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



James Love
Attorney of Record
Registration No. 58,421

Robert Tarcu
Registration No. 64,622

Customer Number
22850
Tel. (703) 413-3000
Fax. (703) 413-2220
(OMMN 07/09)