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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/013,945	04/27/2017	7234262	PHAZZER010	9735
49754	7590	10/25/2017	EXAMINER	
AXON ENTERPRISE, INC. 17800 N. 85TH STREET SCOTTSDALE, AZ 85255-9603			ENGLISH, PETER C	
			ART UNIT	PAPER NUMBER
			3993	
			MAIL DATE	DELIVERY MODE
			10/25/2017	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

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**EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/013,945.

PATENT NO. 7,234,262.

ART UNIT 3993.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

<b>Ex Parte Reexamination Interview Summary</b>	<b>Control No.</b>	<b>Patent Under Reexamination</b>
	90/013,945	7,234,262
	<b>Examiner</b>	<b>Art Unit</b>
	Peter C. English	3993
All participants (USPTO personnel, patent owner, patent owner's representative):		
(1) <u>Peter English; Gay Spahn; Matthew Graham</u>	(3) <u>Richard Bemben</u>	
(2) <u>D. Lawrence Letham</u>	(4) <u>Magne ("Max") Nerheim</u>	
Date of Interview: <u>19 October 2017</u>		
Type: a) <input type="checkbox"/> Telephonic b) <input type="checkbox"/> Video Conference c) <input checked="" type="checkbox"/> Personal		
Exhibit shown or demonstration conducted: d) <input checked="" type="checkbox"/> Yes e) <input type="checkbox"/> No.		
If Yes, brief description: <u>Demonstrated use of Taser (conducted electrical weapon) Model No. X26E.</u>		
Agreement with respect to the claims f) <input type="checkbox"/> was reached. g) <input checked="" type="checkbox"/> was not reached. h) <input type="checkbox"/> N/A.		
Any other agreement(s) are set forth below under "Description of the general nature of what was agreed to..."		
Claim(s) discussed: <u>13.</u>		
Identification of prior art discussed: <u>Murray (US 5,654,867); Mendelsohn et al. (US 5,502,915); Yerazunis et al. (US 7,158,167); Poole (US 6,237,461).</u>		
Description of the general nature of what was agreed to if an agreement was reached, or any other comments:		
<u>The explanation and arguments presented by the patent owner's representatives are summarized in the attached interview agenda. The examiner explained that the microprocessor limitation is addressed at the top of page 6 of the Office action mailed on 09 August 2017. The rejection is based on the teaching of the use of a microprocessor in Mendelsohn et al. and Yerazunis et al. and the ability of one of ordinary skill in the art at the time the invention was made to convert an analog control circuit, as in Murray, to a microprocessor-based control circuit, as taught by Mendelsohn et al. and Yerazunis et al., with the microprocessor-based control circuit fulfilling all of the control functions, including launching the projectiles and recording the date/time of firing.</u>		
<u>The patent owner's representatives argued the patent owner faced great difficulty in converting a conducted electrical weapon having an analog control circuit to a microprocessor-based control circuit due to the high voltage requirements, etc. The examiner indicated such an argument could be persuasive in overcoming the rejection based on Murray in view of Mendelsohn et al. and Yerazunis et al. if the argument is commensurate in scope with the rejected claims as supported by the patent owner's disclosure (and not based on additional limitations not recited in the claims or additional design criteria not mentioned in or anticipated by the patent owner's disclosure). The examiner indicated that a declaration under 37 CFR 1.132 can be used to strengthen such an argument. However, the examiner also noted that the teachings of Poole appear to support a finding that it would have been obvious to one of ordinary skill in the art at the time the invention was made to convert an analog control circuit, as in Murray, to a microprocessor-based control circuit, as taught by Mendelsohn et al., Yerazunis et al. and Poole.</u>		
(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims patentable, if available, must be attached. Also, where no copy of the amendments that would render the claims patentable is available, a summary thereof must be attached.)		
A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION MUST INCLUDE PATENT OWNER'S STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. (See MPEP § 2281). IF A RESPONSE TO THE LAST OFFICE ACTION HAS ALREADY BEEN FILED, THEN PATENT OWNER IS GIVEN <b>ONE MONTH</b> FROM THIS INTERVIEW DATE TO PROVIDE THE MANDATORY STATEMENT OF THE SUBSTANCE OF THE INTERVIEW (37 CFR 1.560(b)). THE REQUIREMENT FOR PATENT OWNER'S STATEMENT CAN NOT BE WAIVED. <b>EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).</b>		
Attachment: Interview Agenda	Conferees: /GAS/ and /MCG/	/Peter C. English/ Patent Reexamination Specialist Central Reexamination Unit
cc: Requester (if third party requester)		

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent Owner:	Axon Enterprise, Inc.	Docket No.:	P.WW.USA.0009.101
Patent No.:	7,234,262	Control No.:	90/013,945
Filing Date:	12/02/2005	Confirmation No.:	2132
Issue Date:	06/26/2007	Examiner:	Peter C. English
Effective Date:	09/17/1999	Art Unit:	3993
Title:	Electrical Weapon having Controller for Timed Current Through Target and Date/Time Recording		

**PROPOSED INTERVIEW AGENDA\***

- Overview of the technology, focusing on the disclosed microprocessor (*see* '262 patent, columns 3, 5, 6).
- Demonstration of the technology, conducted electrical weapon (CEW) model no. X26E.
- Overview of the applied references (Murray, Mendelsohn, Yerazunis).
- Discussion of the outstanding rejections:
  - The applied references do not teach or suggest “a microprocessor that is ... programmed to initiate a high voltage pulsed current ... wherein the current launches a provided wire-tethered dart,” as recited in claim 13.
  - The Office agrees that Murray does not teach or suggest this feature.
  - The Office does not rely on Yerazunis to teach or suggest this feature. Indeed, Yerazunis discloses a microprocessor as part of a video recording device, not to control the firing of a weapon.
  - The Office relies on Mendelsohn to address the claimed “microprocessor.” But Mendelsohn does not teach, disclose, or suggest that microprocessor 54 controls the firing (e.g., launch of a bullet) of gun 10. All actions or control of firing is a result of manual operation of the trigger by a user. Instead, Mendelsohn’s microprocessor 54 merely provides a pulse to move pin 62 out of the notch in trigger 65, microprocessor does not perform any further action to control or direct any aspect of the operation of gun 10.

\*Applicant does not acquiesce to the propriety of any aspect of the rejections presented in the Office Action dated 08/09/2017. All comments presented herein are solely for the purpose of facilitating discussion during the Examiner Interview on Thursday, October 19, 2017 at 2:30 pm.

## English, Peter

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**From:** Lawrence Letham <LLetham@LethamLF.com>  
**Sent:** Monday, October 16, 2017 4:47 PM  
**To:** English, Peter  
**Cc:** 'Richard M. Bemben'; 'Max Nerheim'  
**Subject:** 0009.101: Agenda for Interview  
**Attachments:** 0009.101\_interview\_agenda\_03.pdf

Patent Owner:	Axon Enterprise, Inc.	Docket No.:	P.WW.USA.0009.101
Patent No.:	7,234,262	Control No.:	90/013,945
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Issue Date:	06/26/2007	Examiner:	Peter C. English
Effective Date:	09/17/1999	Art Unit:	3993
Title:	Electrical Weapon having Controller for Timed Current Through Target and Date/Time Recording		

Examiner English:

Please find attached an agenda for the interview on:

Day: Thursday  
Date: October 19, 2017  
Time: 2:30 pm  
Place: Madison East

Please let me know that you received this email and the attached agenda.

Thanks,

Lawrence

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Lawrence Letham, MSEE, JD  
Registered Patent Attorney

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