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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte G. SMITH ANDERSON

Appeal 2010-004181
Application 10/401,517
Technology Center 2600

Before JOHN C. MARTIN, CAROLYN D. THOMAS,
and ELENI MANTIS MERCADER, *Administrative Patent Judges*.

MARTIN, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1-5, 7-10, 12-26, and 28-33 (i.e., all of the pending claims) in the March 12, 2009, nonfinal Office action (hereinafter "Office Action").

We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

I. STATEMENT OF THE CASE

A. Appellant's invention

Appellant's invention relates generally to communication systems and in particular to an "ultra wideband" (UWB¹), remote unified message communication system especially suitable for use by small children. Specification 1:8-10.

Figures 2A and 2B of the Application are reproduced below.

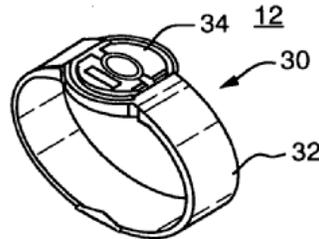


FIG. 2A

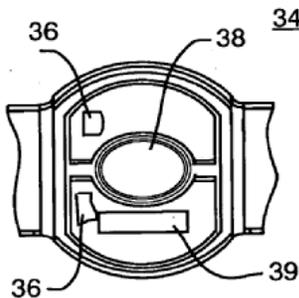


FIG. 2B

Figures 2A and 2B show a wrist-worn Mobile Remote Communication Device (MRCD) 12 to be worn by a child. *Id.* at 5:16-17; 6:3-5. The face

¹ See Specification 2:25 (reciting "UltraWide Band (UWB) devices").

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34 of MRCD 12 has display areas 38 and 39 and buttons or actuators 36. *Id.* at 11:21-24; 12:3-4.

MRCD 12 is part of a Remote Unified Messaging System that, in one example, includes three messaging modes for sending pre-programmed messages representing increasingly higher levels of priority. *Id.* at 3:23-26. In one specific embodiment, pressing a device button (36) (only) once in a five-second time span activates a low-priority level 1 message, such as “hello”; pressing the button twice in a five-second time span activates a higher-priority level 2 message, such as “I’m ready to be picked up”; and pressing the button three times in a five-second time span activates a highest-priority level 3 message, such as “I’m hurt.” *Id.* at 8:19-28.

Figure 1 is reproduced below.²

² Replacement drawings (Figures 1-3) filed March 31, 2004.

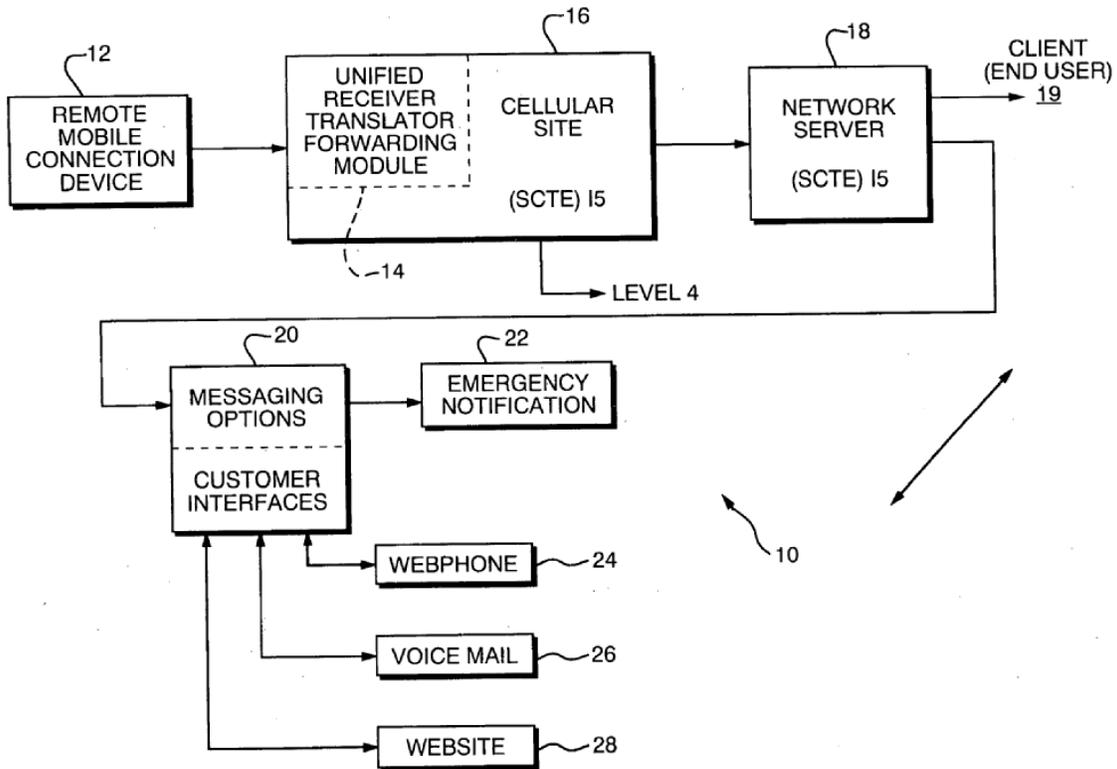


FIG. 1

Figure 1 is a block diagram of a Remote Unified Messaging System 10 that utilizes wireless packet data communication technology for sending predetermined messages and other information in a simple manner. *Id.* at 5:22-25. In a preferred embodiment, MRCD 12 uses a UWB link to send a single IPv6 packet to a Unified Receive Translate Forward Module (URTFM) 14, which is located at a “central site 16” (labeled “Cellular Site” in Figure 1). *Id.* at 6:16-28. URTFMs are typically located at central sites where most end users tend to congregate, such as schools, churches, malls, or libraries. *Id.* at 6:24-26.

URTFM 14 uses pre-programmed/re-configurable instructions to route the messages to the child's parent according to the level of urgency and user preference. *Id.* at 7:5-8. For example, URTFM 14 can be programmed to send a level 1 message by e-mail or voice mail (*id.* at 8:15-18); to send a level 2 message as "a page, an urgent e-mail or voice mail, as a phone call that might play a prerecorded audio message, or even a fax message" (*id.* at 8:20-24); and to send a level 3 message using "all available means of communication (cellular phone call, page, voice mail to the office, e-mail to a hand held Blackberry or Palm Pilot type device." *Id.* at 8:27-9:3.

In a preferred embodiment, URTFM 14 converts UWB signals received from the MRCDs 12 to standard cellular (packet data or voice) signals, which are then sent to a network server 18. *Id.* at 7:21-23. Network server 18 is connected to a messaging options function 20 comprising customer network interfaces that interface with a web phone 24, voice-mail 26, or website 28. *Id.* at 8:1-5. These interfaces allow the parent to specify how messages from the child are to be routed according to the parent's preference as to how to be notified, e.g., through telephone, e-mail, cell phone, pager, or other communication network. *Id.* at 8:3-5. It is possible that this specification can change over time, e.g., in accordance with the parent's work schedule, so that the parent would receive messages in different places and manners according to the time of day or even the day of the week. *Id.* at 8:5-8.

B. The Claims on Appeal

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Claims 1 and 19 are the only independent claims. Claim 1 reads as follows:

1. A wireless communication system comprising:

a remote communication device having one or more actuators, each actuator associated with a predetermined, human conversational message;

a message transcoder, connected to the actuators, for selecting a predetermined message packet upon a user selecting one of the actuators;

a wireless communication transmitter, for transmitting the selected predetermined message packet over a first, short range wireless network;

a receiver/translator forwarding module, arranged to receive the message packet from the first wireless network, and to forward the message packet over a second network according to predetermined routing instructions specified by a supervisory subscriber associated with the use of the specific remote communication device;

a network server, connected to receive the message packet from the second network, and to further forward the message to an intended network destination as specified in advance by the supervisory subscriber; and

wherein each supervisory subscriber determines a predetermined set of human conversational messages to be made available for selection by users associated with that supervisory subscriber.

Claims App. (Br. 19). Method claim 19 tracks apparatus claim 1.

In claim 1, the communication link between the claimed “remote communication device” (i.e., MRCD 12) and the claimed “receiver/translator forwarding module” (i.e., URTFM 14) is recited as “a first, short range wireless network.” Claims App. (Br. 19). This communication link is specifically identified as a UWB link in some dependent claims, such as claim 2 (“A system as in claim 1 wherein the first wireless network uses UltraWide Band (UWB) modulation”). *Id.*

C. The Rejections

Claims 1, 3-5, 8, 9, 12, 17-19, 21-23, 26, 32, and 33 stand rejected under 35 U.S.C. § 103(a) for obviousness over Bornstein³ in view of Underwood⁴ and Iverson.⁵ Office Action 3; Answer 3.

Claims 2, 13-15, 20, and 28-30 stand rejected under 35 U.S.C. § 103(a) for obviousness over Bornstein in view of Underwood and Iverson, and further in view of Hctor.⁶ Office Action 8; Answer 8.

Claims 7 and 24 stand rejected under 35 U.S.C. § 103(a) for obviousness over Bornstein in view of Underwood and Iverson, and further in view of Menard.⁷ Office Action 10; Answer 10.

³ Bornstein, U.S. Patent 6,593,851 B1, issued July 15, 2003.

⁴ Underwood, U.S. Patent 6,278,370 B1, issued August 21, 2001.

⁵ Iverson et al., U.S. Patent 6,806,814 B1, issued October 19, 2004.

⁶ Hctor et al., U.S. Published Patent Application 2003/0069025 A1, published April 10, 2003.

⁷ Menard et al., U.S. Published Patent Application 2001/0026223 A1, published October 4, 2001.

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Claims 10 and 25 stand rejected under 35 U.S.C. § 103(a) for obviousness over Bornstein in view of Underwood and Iverson, and further in view of Crowson.⁸ Office Action 11; Answer 11.

Claims 16 and 31 stand rejected under 35 U.S.C. § 103(a) for obviousness over Bornstein in view of Underwood, Iverson, and Hoctor, and further in view of Zirul.⁹ Office Action 11; Answer 12.

Claims 17 and 32 stand rejected under 35 U.S.C. § 103(a) for obviousness over Bornstein in view of Underwood and Iverson, and further in view of Sherwood.¹⁰ Office Action 12; Answer 12.

All of Appellant's arguments are specifically directed to the rejection of independent claims 1 and 19.

II. DISCUSSION

A. The Rejection Based on Bornstein on View of Underwood and Iverson (Claims 1, 3-5, 8, 9, 12, 17-19, 21-23, 26, 32, and 33)

Bornstein discloses a two-way, parent-child paging system. Bornstein title.

⁸ Crowson et al., U.S. Published Patent Application 2002/0000930 A1, published January 3, 2002.

⁹ Zirul et al., U.S. Patent 6,912,399 B2, issued June 28, 2005.

¹⁰ Sherwood, U.S. Patent 7,313,229 B1, issued December 25, 2007.

Figures 1 and 3 of Bornstein are reproduced below.

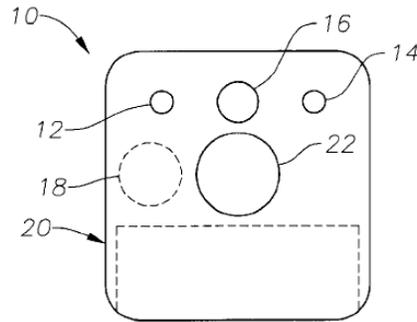


Fig. 1

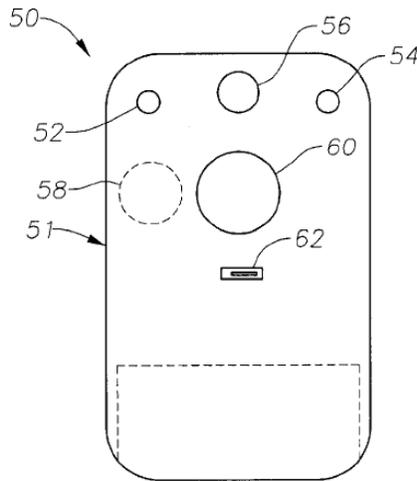


Fig. 3

Figures 1 and 3 are front views of the units carried by the child and parent, respectively. *Id.* at 3:2-5. When an alert button 22 on the child's unit 10 is depressed for a relatively short duration, the transmitter transmits a first, normal signal indicating that the child needs assistance, but that there is no emergency condition. *Id.* at 3:50-57. If the alert button 22 is depressed for a

relatively longer duration, the transmitter will transmit a second, emergency signal indicating that an emergency condition exists and the child needs immediate assistance. *Id.* at 3:57-60.

Bornstein's Figure 5 is reproduced below.

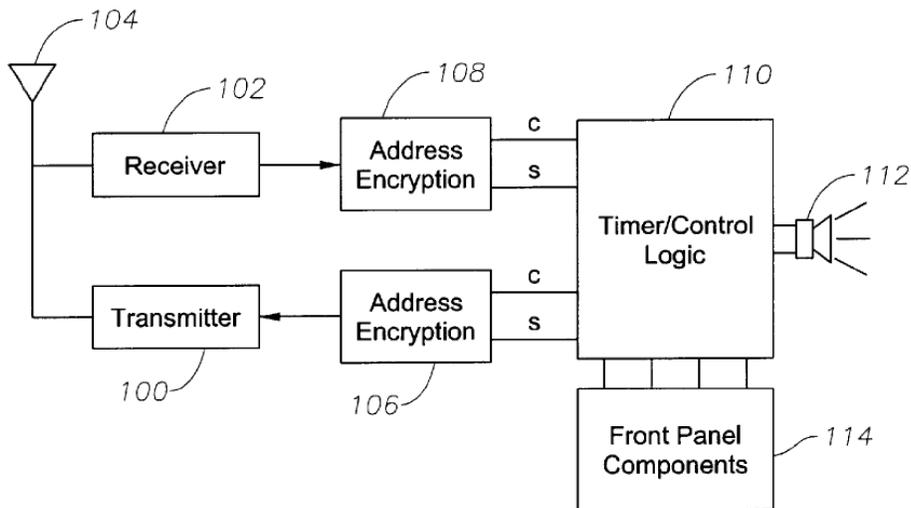


Fig. 5

Figure 5 shows a schematic of a non-microcontroller based architecture representing the internal assemblies of each of the parent and child units. *Id.* at 4:59-61. The transmitter assembly 100, which is capable of sending signals from one unit to a corresponding unit through antenna 104, “may produce signals at any suitable frequency, but preferably produces signals in the 900 MHz range.” *Id.* at 4:61-65.

The Examiner finds that

Bornstein discloses the claimed invention ex[cept] a wireless communication transmitter, for transmitting the selected predetermined message packet over a first, short range wireless network; a receiver/translator forwarding module, arranged to receive the message packet from the first wireless

network, and to forward the message packet over a second network; and a network server, connected to receive the message packet from the second network, and to further forward the message to an intended network destination of a supervisory subscriber associated with the specific remote communication device.

Office Action 4.

1. The Examiner's Reliance on Underwood

Underwood's invention is an improved apparatus for locating and tracking lost or abducted children. Underwood 1:8-10; 2:25-26.

Figure 1 of Underwood is reproduced below.

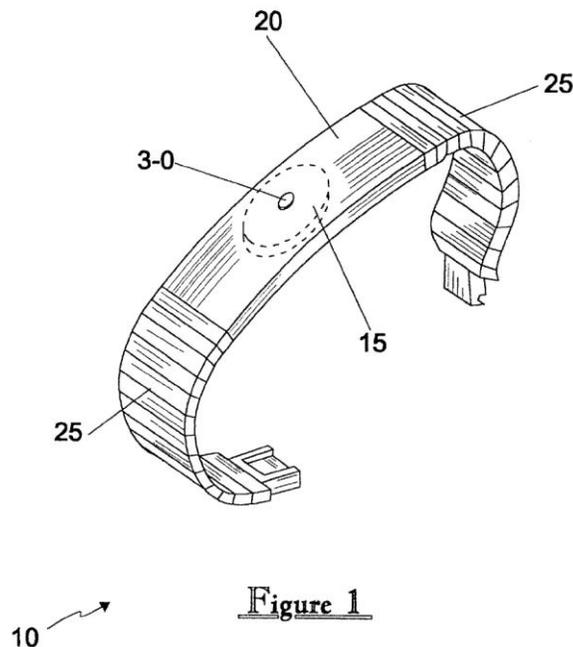
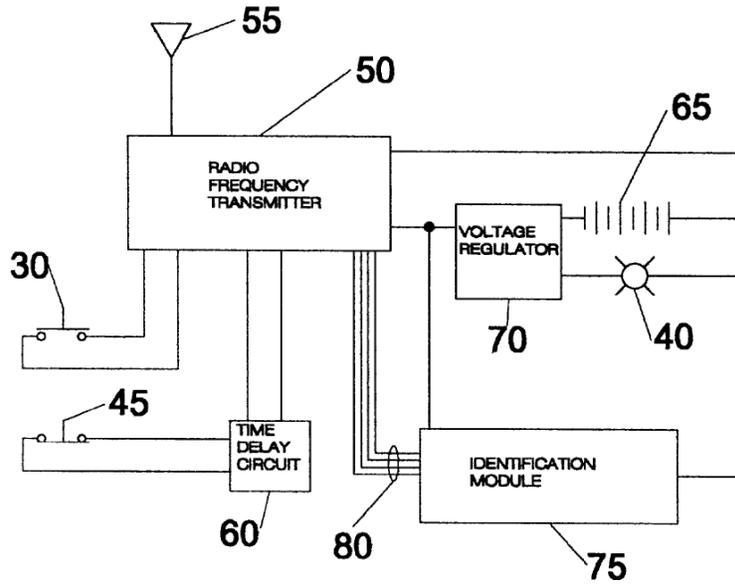


Figure 1 a perspective view of Underwood's child locating and tracking apparatus 10. *Id.* at 3:49-50. A transmitting module 15, shown in dashed lines as disguised within a bracelet 20, has an activating switch 30 to be

pressed by the child when in danger. *Id.* at 3:50-4:1.

Underwood's Figure 4 is reproduced below.



10 →
Figure 4

Figure 4 is a functional electrical block diagram of the transmitter circuitry in the child locating and tracking apparatus 10. *Id.* at 3:26-28. A radio frequency transmitter 50 provides an output signal to an antenna 55. *Id.* at 4:56-58.

Underwood's Figure 5, on which the Examiner specifically relies, is reproduced below.

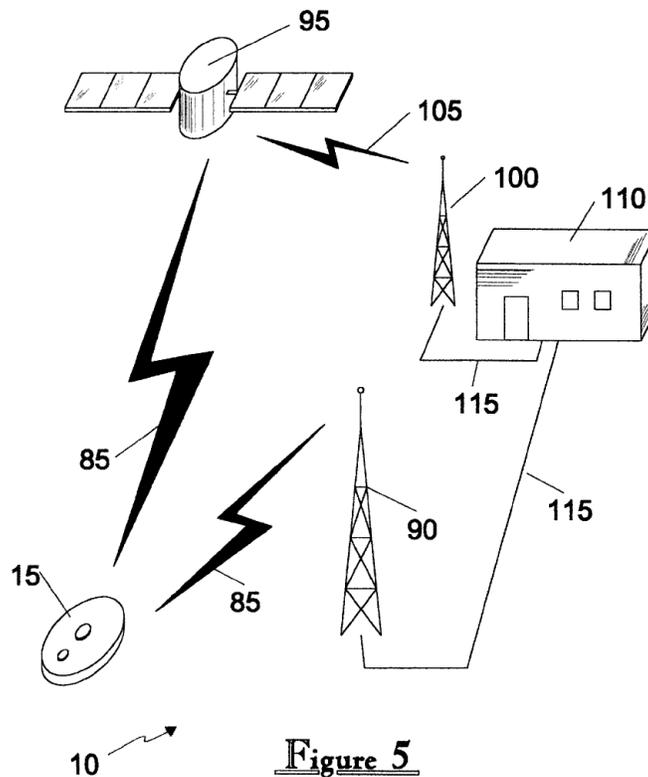


Figure 5

Figure 5 is a system diagram of the child locating and tracking apparatus 10 showing the radio frequency (RF) travel paths. *Id.* at 5:25-27. In the event of activation of the transmitting module 15, a first radio frequency signal 85 is emitted to be received by a local ground station 90. *Id.* at 5:27-30. Local ground stations 90 are to be provided country-wide on a repeating pattern basis. *Id.* at 5:30-32. Cellular telephone towers presently in place can be used as the local ground stations 90 with little or no modifications. *Id.* at 5:32-35. Additionally, other presently available towers used for television stations, commercial and private radio stations, public service radio systems, paging systems, wireless data systems and the like can serve as the local ground stations. *Id.* at 5:35-40. In areas of the country and especially

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foreign countries that do not have any coverage by local antenna tower, low earth orbit satellites 95 can be used to intercept the first radio frequency signal 85 and relay it to a distant ground station 100 via a second radio frequency signal 105. *Id.* at 5:41-48. In either case, the signals received at either the local ground station 90 or the distant ground station 100 are forwarded via a land-based communication path 115, such as telephone lines, Internet lines or microwave paths, to a monitoring station 110 for processing by computers or personnel. *Id.* at 5:48-54.

Comparing claim 1 to Underwood, the Examiner reads the recited “first, short range wireless network” on the radio frequency communications between transmitting module 15 and a local ground station 90, the recited “receiver/translator” on local ground station 90, the recited “second network” on communication path 115, and the recited “network server” on monitoring station 110. Office Action 4-5. The Examiner’s stated rationale for combining these Underwood teachings with those of Bornstein is that Underwood’s system permits the use of a smaller transmitter than does Bornstein’s system. That is, the Examiner states: “[I]t would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Underwood into the invention of Bornstein in order to reduce the size and power consumption of the transmitter (column 2 lines 13-15).” Office Action 5. These cited lines in Underwood, which are reproduced below, refer to a problem with certain prior art systems of the type “in which a lost or abducted child can be located by using a radio receiver that monitors the signal transmitted by a

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matching transmitter in possession of the lost or abducted child.”

Underwood 1:63-67. The lines cited by the Examiner explain that “[w]hile these devices allow for the alerting of parents and/or care givers, they require the use of a large and/or cumbersome transmitter.” *Id.* at 2:13-15.

Appellant’s two arguments against the Examiner’s reliance on Underwood are not persuasive. The first argument is based on satellite 95:

Underwood does not disclose a short range wireless network. Although the local ground station 90 may be close to the transmitting module 15, the satellite 95, which receives the same signal 85, is definitely not within short range of the transmitting module 15. Thus, Underwood’s wireless system is not a “short range wireless network” as recited in Claims 1 and 19 because Underwood’s wireless system can transmit signals from the ground to outer space.

Br. 11. This argument overlooks the fact that use of the low earth orbit satellites 95 is optional, i.e., for use when tracking children in “areas of the country and especially foreign countries that do not have any coverage by local antenna towers.” Underwood 5:40-48. Furthermore, the Examiner specifically explains in the Answer that Underwood discloses that the local ground station can be a short-range station:

Underwood explicitly states that the local ground station may be a private radio station (column [5, lines] 35-40). One of ordinary skill in the art is aware that private radio stations are often restricted to a building such as a school or campus of some sort. After all, one of Underwood’s objectives is “to provide an improved child locating and tracking apparatus which utilizes a transmitter of small size such that it always may be continually carried by the child whether at home, school, at play or travel” (column 2 lines 31-36). The examiner

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further notes that short-range is not further defined to a particular geographic area/distance.

Answer 15-16. Appellant, who did not file a reply brief, has not addressed, let alone shown any error in, this reasoning of the Examiner.¹¹

Appellant's second argument against the rejection is that "the cited references . . . are directed to different fields of invention" and that

the Examiner has cherry-picked elements from patents from distinct fields of invention to produce the system and method recited in Claims 1 and 19, respectively. This impermissible use of hindsight is "an illogical and inappropriate process by which to determine patentability." *Sensonics, Inc. v. Aerosonic Corp.*, 81 F.3d 1566, 1570, 38 USPQ2d 1551, 1554 (Fed. Cir. 1996).

Br. 13. This argument is unpersuasive because Appellant has not demonstrated that any of the applied references fails both of the alternative tests for determining whether a reference is analogous prior art. *See In re Bigio*, 381 F.3d 1320, 1325 (Fed. Cir. 2011) ("Two separate tests define the scope of analogous prior art: (1) whether the art is from the same field of

¹¹ *See Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential) (an appellant may attempt to overcome an examiner's obviousness rejection on appeal to the Board by: (1) submitting arguments and/or evidence to show that the examiner made an error in either (a) an underlying finding of fact upon which the final conclusion of obviousness was based or (b) the reasoning used to reach the legal conclusion of obviousness; or (2) showing that the prima facie case has been rebutted by evidence of secondary considerations of nonobviousness).

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endeavor, regardless of the problem addressed and, (2) if the reference is not within the field of the inventor's endeavor, whether the reference still is reasonably pertinent to the particular problem with which the inventor is involved.”).

Furthermore, Appellant has not specifically addressed the Examiner’s above-quoted reasons for combining the teachings of Bornstein and Underwood, let alone shown that these reasons fail to satisfy the requirement for “articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

For the foregoing reasons, Appellant has not shown that the claim phrase “short range wireless network,” when given its broadest reasonable interpretation consistent with the specification without importing limitations therefrom, does not read on the teachings Bornstein and Underwood combined in the manner proposed by the Examiner.¹²

2. The Examiner’s Reliance on Iverson

The Examiner finds that “Bornstein and Underwood . . . fail to explicitly teach that the message is forwarded to an intended network destination as specified in advance by a supervisory subscriber and

¹² See *In re Zletz*, 893 F.2d 319, 321-22 (Fed. Cir. 1989) (it is improper to read into the claims limitations from examples given in the specification).

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predetermined routing instructions specified by a supervisory subscriber associated with the use of the specific remote communication device” and relies on Iverson for such teachings. Office Action 5.

Iverson’s “Background of the Invention” explains that using cellular telephone, proprietary and/or other non-Internet systems or protocols for communicating position information has a number of undesirable effects. Iverson 1:29-32. For example, such non-Internet systems are configured for only a single use or purpose. *Id.* at 1:32-33. Thus, an owner of a car having a navigation system which sends emergency location information may need to purchase another system if, for example, it is desired to use the services of a company that tracks stolen vehicles. *Id.* at 1:33-37.

Iverson explains that “[b]y providing a protocol which makes position information communication feasible for the Internet, a single system for communicating position information can be used for any of numerous different uses or functions, at relatively low cost and without unnecessarily consuming bandwidth.” *Id.* at 3:19-23. One such use is “for child location and/or safety purposes.” *Id.* at 3:34-35. Iverson employs a real-time positioning protocol (RPP) to facilitate communication of global positioning or other positioning or location information over the Internet. *Id.* at 2:60-65. In one embodiment, the protocol couples the position information with time information, e.g., to permit calculation of velocity, routes and the like. *Id.* at 2:65-67.

Preferably, users can restrict or control the entities who can receive the GPS or positioning information. *Id.* at 4:17-18. Although it is possible

to provide a degree of control by selecting the recipients or addressees for RPP packets, it is also possible to provide for encryption of some or all of the GPS or positioning information. *Id.* at 4:18-22.

Figure 1 of Iverson is reproduced below.

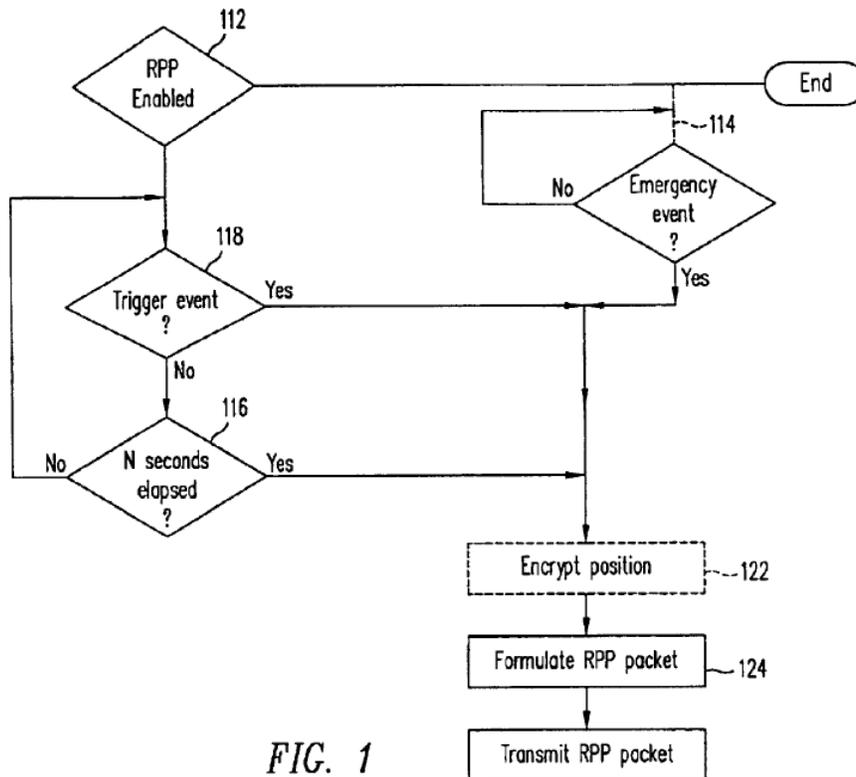


FIG. 1

Figure 1 is a flow chart depicting an RPP system according to one embodiment of Iverson's invention. *Id.* at 3:47-48. Positioning information can be transmitted in response to an emergency event (block 114) regardless of whether the RPP feature is enabled (block 112). *Id.* at 3:66-4:10. While the RPP feature is enabled, positioning information is provided on a periodic basis, such as every N seconds (block 116), or in response to trigger events (block 118) indicating emergency or distress situations (e.g. air bag

deployment and the like, engine malfunctions, brake malfunctions and the like). *Id.* at 4:11-16.

Figure 3 of Iverson is reproduced below.

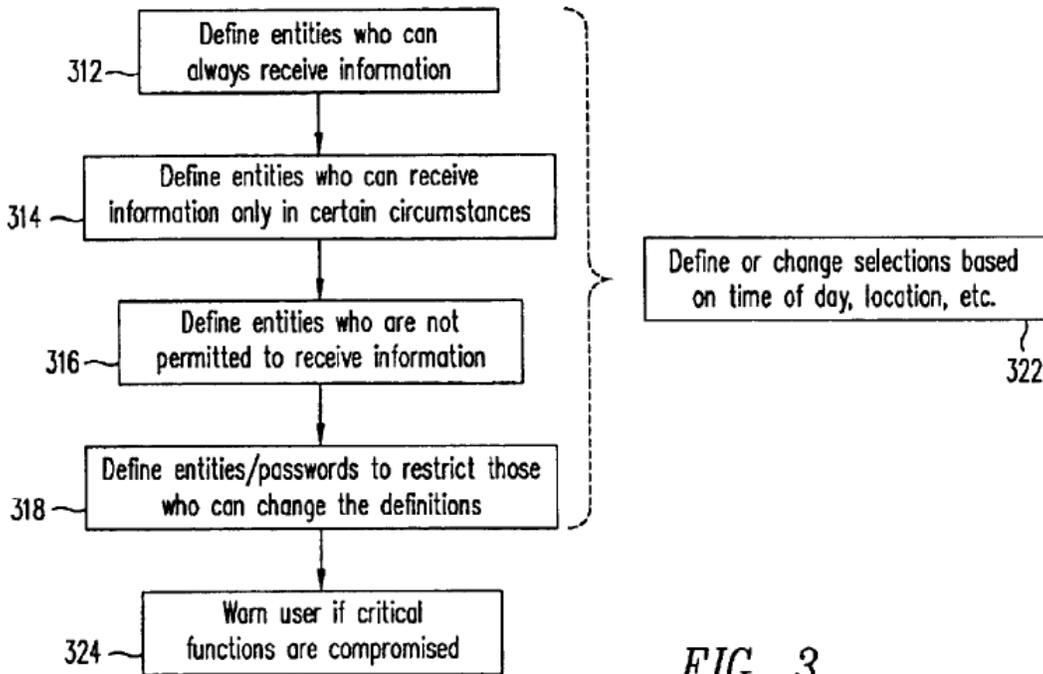


FIG. 3

Figure 3 is a flow chart depicting a process for defining privacy and/or security parameters according to an embodiment of Iverson's invention. *Id.* at 3:52-54. In this embodiment, a user is permitted to define (block 312) one or more entities who are always permitted to receive position information, such as a spouse. *Id.* at 5:21-25. This can be done, for example, by storing the spouse's universal resource locator (URL) in a table of authorized recipients. *Id.* at 5:25-27. The user can also define (block 314) entities who can receive position information only in certain circumstances. *Id.* at 5:30-31. For example, preferably the system can store, in a table, the URLs for

emergency response units, police, fire or other entities authorized to receive position information, e.g., in response to a trigger event such as deployment of an air bag. *Id.* at 5:32-36. Iverson's system preferably stores or defines (block 318) the entities authorized to change the privacy-protecting data and/or provides passwords to control access to the privacy-protecting data. *Id.* at 5:40-43.

In one embodiment, the definitions of the various entities can be changed (block 322) as a function of factors such as the time of day, location or the like. *Id.* at 5:44-46. For example, a unit carried by a child may be configured to provide position information to a school, during school hours,

and to provide position information to a parent during other times. *Id.* at 5:46-49.¹³

¹³ The tracking of children is further described by Iverson as follows:
As another example, devices which report position over the Internet can be carried by children (or attached to a child's clothing or the like) to report the position of children to a base unit. In one embodiment, the base or remote unit can determine
(Continued on next page.)

Figure 4 of Iverson is reproduced below.

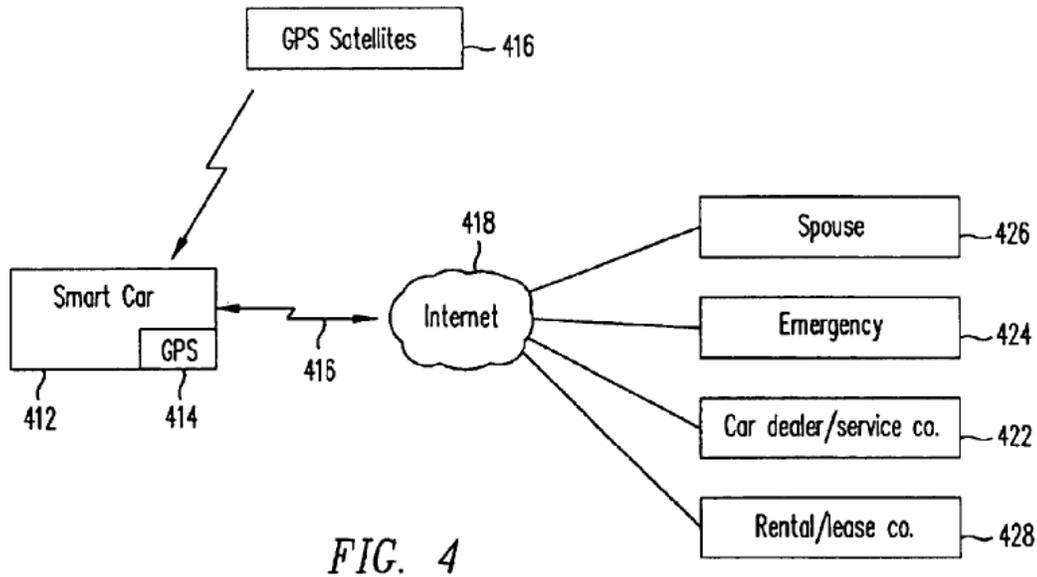


FIG. 4

Figure 4 is a block diagram depicting one example of a use involving positioning with respect to a smart car. *Id.* at 3:55-56. If an engine malfunction is detected (block 412) by the smart car, the current position of the vehicle is output (block 416) using the RPP over the Internet (block 418), e.g., to the closest car dealer or a service company (422), which can take appropriate action. *Id.* at 6:32-37. Position information can also be provided on a periodic or continuous basis to a spouse (426) or a rental/lease company (428). *Id.* at 6:42-45.

children's departure from normal or approved tasks (e.g. detours from a path to school), locations in dangerous areas, and the like. Periodic or continuous reporting of children's positions can be provided for purposes of reassuring parents, e.g. who may be at work, and the like.

(Continued on next page.)

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The Examiner reads the claimed “supervisory subscriber” on Iverson’s “entities who are authorized to change privacy-protecting data, such as providing position information to a school or to a parent” (Office Action 5) and then states:

[F]igure 4 [of Iverson] shows that one can route information to a spouse, emergency services etc.[]

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Iverson into the invention of Bornstein and Underwood in order to reduce redundancy of position information and potentially avoid wastage of bandwidth ([Iverson] column 1 lines 49-51).

Id. at 5-6.

Appellant responded by arguing that “Iverson discloses intended message recipients, not intended network destinations, and that Iverson does not disclose predetermined routing instructions at all.” Br. 10. Regarding the claimed “intended network destination,” Appellant specifically argues:

Iverson teaches forwarding information to a message recipient, such as a parent, rather than to an “intended network destination” as in Claims 1 and 19. In contrast, messages handled by Applicant’s system can be routed to a parent’s “telephone, e-mail, cell phone, pager, or other communication[s] network[s]” (Application, page 8, line 5). Although the parent may be the intended message recipient--e.g., Iverson’s message recipient--the intended network destination is the telephone, e-mail address, cell phone, pager, or other device via which the parent receives messages.

Iverson 7:65-8:6.

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Accordingly, Applicant submits that Iverson does not disclose an intended network destination.

Id. (brackets in original). The Examiner responded by explaining that Iverson discloses sending the location information to the intended recipient's address, which is an intended network destination:

Iverson explicitly states that position information packets can be addressed to a recipient (column 3 lines 8-9), a user can select the recipients or select addresses for RPP packets (column 4 lines 19-20), and the user can define destination addresses (column 5 line 16). In reading th[ese] particular portions, one of ordinary skill in the art will see that the addresses, in particular destination addresses are the means by which a user receives a message to his/her intended network destination.

Answer 15. Appellant, who did not file a reply brief, has not addressed this reasoning by the Examiner, let alone shown any error therein. Furthermore, Appellant's above-quoted reliance (Br. 10) on the "telephone, e-mail, cell phone, pager, or other communication[s] network[s]" described at page 8, line 5 of Appellant's Specification is unpersuasive because it is improper to read these examples into the claims. *Zletz*, 893 F.2d 319, 321-22.

We turn now to Appellant's argument that Iverson also fails to disclose the claimed "predetermined routing instruction." Specifically, Appellant argues:

It appears that the Examiner has inferred predetermined routing instructions from Iverson's FIG. 4, which the Office Action describes as showing "that one can route information to a spouse, emergency services, etc." (Office Action, page 5, last line.) In other words, the Examiner has concluded that because

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Iverson discloses routing GPS information to different people via the Internet, Iverson also discloses specifying routing instructions in advance. In fact, Iverson is silent on routing instructions.

Br. 10. The Examiner responded to this argument by concluding that the claim phrase “predetermined routing instruction” is broad enough to read on the address of the intended recipient:

The examiner draws appellant’s attention to figure 4, where the smart car sends location information to the internet, which is then sent (i.e. routed) to other parties that are permitted to receive this location information. The examiner notes that predetermined routing instructions is not further defined, so the examiner has interpreted this element to simply mean a user [has] selected entities that can receive position information. This is reasonable since the position information is then sent (i.e. routed) to the authorized user. And since the user is authorized, the user is predetermined. Therefore, Iverson teaches predetermined routing instructions.

Answer 14-15. Appellant has not addressed this position of the Examiner, let alone shown any error therein. We also note that because the claim term “predetermined routing instruction” is not defined in Appellants’ Specification or in claim 1 and 19, it is broad enough to read on Iverson’s above-noted disclosure (Iverson 5:46-49) of using the time of day to determine who receives the position information.

Appellant’s argument that the Examiner has engaged in an “impermissible use of hindsight” to combine the reference teachings (Br. 13) is unpersuasive with respect to Iverson because Appellant has not

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specifically addressed the Examiner's reasons for combining Iverson's teachings with those of the other references.

For the above reasons, the rejection of independent claims 1 and 19 for obviousness over Bornstein in view of Underwood and Iverson is sustained.

For the same reasons, we sustain the rejection on this ground of dependent claims 3-5, 8, 9, 12, 17, 18, 21-23, 26, 32, and 33, which are not separately argued by Appellant.

B. The Other Grounds of Rejection (Dependent claims 2, 7, 10, 13-16, 20, 24, 25, and 28-31)

The rejections of the dependent claims are based on Bornstein in view of Underwood and Iverson, as applied to claims 1 and 19, further considered in view of the following additional references: Hocter (claims 2, 13-16, 20, and 28-31); Menard (claims 7 and 24); Crowson (claims 10 and 25); Zirul (claims 16 and 31); and Sherwood (claims 17 and 32). These rejections are sustained because Appellant does not separately argue their merits, instead asserting that these additional references "fail[] to remedy the deficiencies of

Bornstein, Underwood, and Iverson with respect to Claims 1 and 19."

Br. 14-17.¹⁴

¹⁴ Appellant's discussion of claims 7 and 24 (Br. 15) incorrectly discusses Hocter rather Menard.

III. DECISION

All of the Examiner's rejections under 35 U.S.C. § 103(a) are sustained. That is, we sustain the § 103(a) rejections of:

(1) Claims 1, 3-5, 8, 9, 12, 17-19, 21-23, 26, 32, and 33 based on Bornstein in view of Underwood and Iverson:

(2) Claims 2, 13-15, 20, and 28-30 based on Bornstein in view of Underwood, Iverson, and Hocter;

(3) Claims 7 and 24 based on Bornstein in view of Underwood, Iverson, and Menard;

(4) Claims 10 and 25 based on Bornstein in view of Underwood, Iverson, and Crowson;

(5) Claims 16 and 31 based on Bornstein in view of Underwood, Iverson, Hocter, and Zirul; and

(6) Claims 17 and 32 based on Bornstein in view of Underwood, Iverson, and Sherwood.

The Examiner's decision that claims 1-5, 7-10, 12-26, and 28-33 are unpatentable over the prior art is accordingly *affirmed*.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1). *See* 37 C.F.R. § 1.136(a)(1)(iv) (2012).

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AFFIRMED

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