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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes application details for Hewlett-Packard Company and examiner information for Michael J. Zanelli.

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte WILLIAM G. NICOLAI

Appeal 2010-006710
Application 11/433,730
Technology Center 3600

Before JAMES P. CALVE, SCOTT A. DANIELS, and JILL D. HILL,
Administrative Patent Judges.

CALVE, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134 from the rejection of claims 1-5, 7, 9-17, and 21-24 under 35 U.S.C. § 103(a) as being unpatentable over Dragon (US 6,529,804 B1; iss. Mar. 4, 2003) and Treyz (US 6,711,474 B1; iss. Mar. 23, 2004). App. Br. 5, 9. Claims 6, 8, 18, and 20 are cancelled. App. Br. 5. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

CLAIMED SUBJECT MATTER

Claims 1 and 13 are independent. Claim 1 is reproduced below:

1. A method, comprising:
determining an identification of a user of a vehicle,
said identification distinguishing the user
from another user of the vehicle;
wirelessly transmitting the identification from the
vehicle to a data center;
wirelessly receiving content data in a vehicle from
the data center, the content data including
multimedia content that has been selected by
the data center based on a profile associated
with the user's identification; and
delivering the content to the user;
wherein each user of the vehicle has a different
profile accessible to the data center.

ANALYSIS

The Examiner found that Dragon discloses a vehicle information system and method with a controller, one or more wireless receivers for transmitting requests and receiving multimedia content from a data center that includes a user profile database that selects content based on a unique user profile in the database but is silent as to the means by which one user is distinguished from another user. Ans. 3. The Examiner found that Treyz discloses a fingerprint reader that verifies a user identity and provides a subscriber identification for obtaining services and content from service providers. Ans. 4. The Examiner also found that Treyz provides “targeted content” based on a user identification. Ans. 7 (citing col. 60, ll. 16-25). The Examiner determined that it would have been obvious to incorporate Treyz’s identification technology into Dragon to distinguish one user’s

identity from another and communicate that identity to the data center to select the corresponding user profile. Ans. 4.

Appellant argues that Draggon's multimedia device allows a user to receive a wide variety of content but not content that is selected based on an identification of a particular user. App. Br. 10. Appellants also argue that Draggon's multimedia device does not permit user-customizable content to be downloaded but operates like a traditional radio where a user selects what content sources to play. Reply Br. 1. Appellant further argues that Treyz teaches an automobile computer with a fingerprint sensor, but the sensor is used to identify the user only for limited purposes. Reply Br. 1-2; App. Br. 10. These arguments do not persuade us of error in the Examiner's findings that Treyz provides targeted content based on a user identification and a user's interests. Treyz, col. 60, ll. 16-25; fig. 72. Moreover, Draggon also discloses that each user has a unique profile in a user database and that advertisements may be inserted into personalized digital broadcasts that mesh with that individual's buying interests. Draggon, col. 6, ll. 51-60.

Appellant also asserts that modifying Draggon's multimedia device to include a sensor that differentiates various users so user-based content can be provided to the device is using Appellant's teachings in hindsight. Reply Br. 2. This argument is not persuasive because the Examiner has provided a reason for combining Treyz's fingerprint reader with Draggon that is supported by a rational underpinning. The Examiner found that Draggon discloses multiple users on the same account with each user having a unique user profile in the database. Ans. 3. The Examiner determined that Treyz's fingerprint reader would provide an effective means to communicate a user's

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identity to a data center to select a corresponding user profile and distinguish one user from another. Ans. 4, 6-7. Appellant's argument does not persuade us of error in the Examiner's obviousness determination. We sustain the rejection of claims 1-5, 7, 9-17, and 21-24.

DECISION

We AFFIRM the rejection of claims 1-5, 7, 9-17, and 21-24.

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)(iv).

AFFIRMED

JRG