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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/306,485	12/29/2005	Peter Borislavov Manchev		1484

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PETER B. MANCHEV  
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APT. 15  
SOFIA, 1680  
BULGARIA

EXAMINER
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HOLLIDAY, JAIME MICHELE

ART UNIT	PAPER NUMBER
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2641

MAIL DATE	DELIVERY MODE
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01/22/2013

PAPER

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* PETER BORISLAVOV MANCHEV

Appeal 2010-007270  
Application 11/306,485  
Technology Center 2600

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Before JEAN R. HOMERE, DAVID M. KOHUT, and JASON V.  
MORGAN, *Administrative Patent Judges*.

PER CURIAM

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1-12. (App. Br. 3.) We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

*Appellants' Invention*

Appellant invented a method and system for allowing a user to initiate a support request upon actuating a user actuator from a mobile device to capture an image, which is subsequently transmitted to a remotely located assistance center. (Spec., ¶ [0001].)

*Illustrative Claim*

Independent claim 1 further illustrates the invention as follows:

1. In a radio communication system having a mobile station, a combination with the mobile station of apparatus for initiating a support request by providing a digital image to a support center, said apparatus comprising: an user actuator responsive to the support center; a digital image creator coupled at least to receive indication of actuation of the user actuator, said digital image creator for creating a digital image responsive to actuation of the user actuator; a digital image signal generator coupled to receive indications of the digital image created by said digital image creator, said digital image signal generator for automatically generating a digital image signal for transmission to the support center; a transmit portion coupled to receive indications of the digital image signal created by said digital image signal generator, said transmit portion for automatic transmission of said digital image signal to support center responsive to said user actuator.

*Prior Art Relied Upon*

The Examiner relies on the following prior art as evidence of unpatentability:

Fraccaroli                      US 6,748,223 B2                      Jun. 8, 2004

*Rejections on Appeal*

The Examiner rejected the claims on appeal as follows;

Claims 1-12 stand rejected under 35 U.S.C. § 112, First paragraph for failing to comply with the written description requirement.

Claims 1-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Fraccaroli. Claim 1 is representative. 37 C.F.R. § 41.37(c)(1)(vii).

## ANALYSIS

### *Written Description Rejection*

In papers filed on June 22, 2008, Appellant amended claim 1 to recite in part “an user actuator responsive to the support center.” We note that this amended language is not supported by Appellant’s originally filed Specification. As pointed out by the Examiner, the originally filed Specification indicates that “the user actuator . . . when actuated by the user of the mobile station, initiates a support request procedure to the support center.” (¶ [0022], ll. 2-4.) That is, the Specification merely supports a one-way communication from the user actuator to the support center. (See e.g., Fig. 1, depicting a user actuator supplying an input to the controller to communicate to the support center, which does not provide any input to the user actuator.) Therefore, because the record before us indicates that Appellant was not in possession of the disputed limitation, we agree with the Examiner that claim 1 does not comply with the written description requirement. (Ans. 10.) It follows that Appellant has not shown error in the Examiner’s rejection of claim 1, as well as claims 2-12 that recite commensurate limitations.

*Anticipation Rejection*

We find that, on this record, the preponderance of the evidence supports the Examiner's finding that the subject matter of claims 1-12 is anticipated by Fraccaroli. In particular, we find that to the extent that the recitation of "an user actuator responsive to the support center" can be construed as the one way communication between the user actuator and the support center, we agree with the Examiner that Fraccaroli's disclosure describes the disputed limitation. Thus, because the Examiner's response as set forth in the Answer has rebutted by a preponderance of the evidence Appellant's arguments, we find that Appellant has not shown error in the Examiner's rejections. Accordingly, we sustain the Examiner's rejections of claims 1-12 for the reasons set forth in the Answer, which we incorporate herein by reference as amended herein.

DECISION

We affirm the Examiner's rejections of claims 1-12 as set forth above.

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

ELD