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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ASSAF LANDSCHAFT, GAL WOHLSTADTER, and
GIL WOHLSTADTER

Appeal 2010-007638
Application 11/246,845
Technology Center 2600

Before JASON V. MORGAN, ERIC B. CHEN, and BRYAN F. MOORE,
Administrative Patent Judges.

MOORE, *Administrative Patent Judge.*

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) of the Final Rejection of claims 1-20. App. Br. 2. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

INVENTION

The invention is directed to mobile communications devices and, more specifically, to a device and method to enhance call center support for mobile communications devices. *See Spec.* ¶ [0001].

Claim 1 is exemplary of the invention and is reproduced below:

1. A method for providing call center support to a mobile communications device, comprising:

 establishing voice and data connectivity over a wireless network between a mobile communications device having a visual display and a call center communications device having a visual display;
and

 causing an entirety of an image appearing on the visual display of said mobile communications device to be replicated on the visual display of said call center communications device over said wireless network while maintaining said voice connectivity, wherein said causing is activated by a user of said mobile communications device after said establishing and during said voice and data connectivity.

REFERENCES

Koster	US 2004/0203909 A1	Oct. 14, 2004
Lin	US 2005/0096071 A1	May 5, 2005
Mertama	US 2006/0079214 A1	Apr. 13, 2006
Sumler	US 7,206,548 B1	Apr. 17, 2007

REJECTIONS AT ISSUE

Claims 1, 3-5, 7-9,12, 13, and 15-20 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Koster, Sumler, and Lin. Ans. 4-14.

Claim 2, 6, 10, 11, and 14 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Koster, Sumler, Lin, and Mertama. Ans. 14-15.

ISSUE

Did the Examiner err in in concluding that it would have been obvious to combine the teachings and suggestions of Koster and Sumler because the proposed modification would render the Koster unsatisfactory for its intended purpose?

ANALYSIS

We have reviewed the Examiner's rejection in light of Appellants' contentions that the Examiner has erred. We disagree with Appellants' conclusions. We adopt as our own the findings and reasons set forth by the Examiner in the action from which this appeal is taken and the reasons set forth by the Examiner in the Examiner's Answer (see Ans. 16-19) in

response to Appellants' Appeal Brief. However, we highlight and address specific findings and arguments regarding claim 1 for emphasis as follows.

Appellants argue, with respect to claim 1, that two of the references relied on by the Examiner, Koster and Sumler, cannot be combined because the combinations “render Koster unsatisfactory for its intended use.” App. Br. 9 (citing MPEP § 2143.01). Koster teaches connecting a call between a mobile device and a call center and using information provided by the mobile device to download information that is then displayed at both the mobile device screen and the call center screen. Koster, ¶ [0136]. Sumler teaches an operator can remotely cause an image appearing on a mobile device under test to be replicated on a visual display of the operator's computer. Sumler, 3:28-43, Figure 1. Appellants argue that modifying Koster to display the mobile device screen at the call center would violate Koster's intended purpose because “the display of the operator station of the call center would not display the information downloaded in step 5, element 1376/1377 from the adjunct 1373 of Koster but, rather, the display of the operator station of the call center would display whatever was on the display mobile communications device.” App. Br. 8.

While it is true that the Examiner's reasoning cannot have a rational underpinning if the proposed modification would render the primary reference being modified unsatisfactory for its intended purpose (*See Tec Air, Inc. v. Denso Mfg. Mich. Inc.*, 192 F.3d 1353, 1360 (Fed. Cir. 1999) (Where the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, the proposed modification would not have been obvious)), Appellants do not provide persuasive evidence that displaying the display of mobile communications device at the

call center of Koster would prevent information downloaded in step 5 from being displayed. Appellant's assertions amount to unsupported attorney argument, and therefore we give them little weight. *See In re Geisler*, 116 F.3d 1465, 1470 (Fed. Cir. 1997); *see also In re Huang*, 100 F.3d 135, 139 – 140 (Fed. Cir. 1996). Therefore, we do not find error in the Examiner's reliance on the combined teachings and suggestions of Koster and Sumler.

In addition, Koster suggests that the exchange of information from the mobile user to the call center and vice versa is managed by an "Adjunct Processing Center." Koster, ¶ [0136]. For example, a map showing the location of the mobile phone can be displayed on both the mobile phone and the call center screen. Koster, ¶ [0091], Figure 7D; *see also* Ans. 16. Thus, if the mobile phone was displaying such a map, it would be advantageous to use the system of Sumler to display that map directly to the call center. Appellants do not identify persuasive evidence that Koster suggests that information such as the screen of the mobile user must not be sent to the call center.

We agree with the Examiner that "using the teaching of Sumler would enhance the system of Koster, because it allows the personnel at the call center can see what user sees on the mobile device's display, the personnel can easily provide the precisely instructions to the user." Ans. 17. Therefore, we are not persuaded the Examiner erred in the decision to reject claim 1.

Appellants do not make substantive arguments regarding claims 2-20, thus those claims fall with claim 1.

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DECISION

The Examiner's decision to reject claims 1-20 is 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)(iv).

AFFIRMED

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