



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/297,724	12/08/2005	Assaf Landschaft	LANDSCHAFT 13-11-11	3354
47396	7590	02/01/2013	EXAMINER	
HITT GAINES, PC LSI Corporation PO BOX 832570 RICHARDSON, TX 75083			MAGLOIRE, VLADIMIR	
			ART UNIT	PAPER NUMBER
			2645	
			NOTIFICATION DATE	DELIVERY MODE
			02/01/2013	ELECTRONIC

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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

doCKET@hittgaines.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ASSAF LANDSCHAFT, GAL WOHLSTADTER, and GIL
WOHLSTADTER

Appeal 2010-009856
Application 11/297,724
Technology Center 2600

Before THU A. DANG, JAMES R. HUGHES, and GREGORY J.
GONSALVES, *Administrative Patent Judges*.

GONSALVES, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the rejection of claims 1, 2, 4-14, 17, and 19-21 (App. Br. 3). Claims 3, 15, 16, and 18 were cancelled (*id.*). We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

The Invention

Exemplary claim 1 follows:

1. A mobile communication device having a user input device including a keypad having keys each of which are associated with different portions of pre-defined output data, a user output device, a storage device configured to store digital data and a transceiver configured to communicate with a second communication device, said mobile communication device comprising:

a user-activatable children's safe operating mode in which said mobile communication device is configured to:

inhibit user-activation of said transceiver,

inhibit user-alteration of user-defined data stored in said storage device, and

cause said output device to provide one of said different portions of pre-defined output data retrieved from said storage device in response to pressing a unique corresponding key of said keypad, wherein said pre-defined output is selected from the group consisting of:

digital images,

video clips,

movies,

sounds,
music, and
vibration sequences.

Claims 1, 2, 5-7, 9, 10, 12, 13, 20, and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Elomaa (US 6,892,081 B1) and Ikeda (US 6,957,083 B2) (Ans. 3-7).

Claims 4 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Elomaa, Ikeda, and Gulley (US 5,790,652) (Ans. 7-8).

Claims 8, 11, and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Elomaa, Ikeda, and McGarry (US 2005/0070276 A1) (Ans. 8-9).

FACTUAL FINDINGS

We adopt the Examiner's factual findings as set forth in the Answer (Ans. 3, *et seq.*).

ISSUE

Appellants' responses to the Examiner's positions present the following issue:

Did the Examiner err in finding that the combination of Elomaa and Ikeda teaches or suggests causing "said output device to provide one of said different portions of pre-defined output data retrieved from said storage device in response to pressing a unique corresponding key of said keypad," as recited in independent claim 1 and as similarly recited in independent claim 14?

ANALYSIS

Appellants contend that the Examiner erred in rejecting independent claims 1 and 14 as obvious because “[t]he cited portion of Elomaa does not teach that a ringing level may be provided by just a key being pressed since a second input of some kind (here an ambient noise level) must also occur. As such, the cited portion of Elomaa does not teach causing an output device to provide pre-defined output data in response to pressing a unique key of a keypad” (App. Br. 6-7). Appellants also argue that Elomaa does not teach or suggest “that the different portion of the pre-defined output data is provided by pressing a corresponding key of the keypad” (*id.* at 7 (emphasis omitted)).

The Examiner concluded, however, that “Elomaa teaches a variety of reasons for which predefined outputs are launched while the mobile phone is in a locked mode (‘children safe mode’). In the cited sections (as well as the reference as a whole) Elomaa cites launching phone functions by pressing keys in a certain fashion” (Ans. 12). We agree with the Examiner’s conclusions and underlying findings of fact. First, Appellants arguments are not commensurate in scope with the claims because claims 1 and 14 do not require providing data *solely* in response to pressing a key. Rather, they require providing “one of said different portions of pre-defined output data retrieved from said storage device in response to pressing a unique corresponding key of said keypad” (Claim 1).

Elomaa teaches this claim limitation by disclosing the “activation of at least one mobile terminal function with at least one soft key during the inactive mode of a keypad by the inputting of a second type of programmed

and/or coded input from at least one soft key different from a random or unintentional first type of soft key input which does not change the keypad to the active mode.” (Elmoaa, col. 7, ll. 61-66). That is, Elomaa discloses activation of one of many functions that are available on a mobile by pressing a key while the mobile is in an inactive mode.

Accordingly, we find no error in the Examiner’s obviousness rejection of independent claims 1 and 14 as well as claims 2, 4-13, 17, and 19-21 dependent therefrom because Appellants did not set forth any separate patentability arguments for the dependent claims (*see* App. Br. 8-9).

DECISION

We affirm the Examiner’s decision rejecting claims 1, 2, 4-14, 17, and 19-21 as unpatentable under 35 U.S.C. § 103(a).

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