



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.
11/277,016	03/20/2006	Stephen E. Hannah	GTEKPR.005A	4776
20995	7590	02/04/2013	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			MAWARI, REDHWAN K	
			ART UNIT	PAPER NUMBER
			3665	
			NOTIFICATION DATE	DELIVERY MODE
			02/04/2013	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):

jayna.cartee@knobbe.com
efiling@knobbe.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte STEPHEN E. HANNAH, SCOTT J. CARTER and
JESSE M. JAMES

Appeal 2011-001252
Application 11/277,016
Technology Center 3600

Before EDWARD A. BROWN, WILLIAM V. SAINDON and
MICHAEL L. HOELTER, *Administrative Patent Judges*.

HOELTER, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

This is a decision on appeal, under 35 U.S.C. § 134(a), from a final rejection of claims 108-132 and 238¹-260. App. Br. 2. Claims 1-107 and 133-237 have been canceled. App. Br. 2. We have jurisdiction under 35 U.S.C. § 6(b). We REVERSE.

THE CLAIMED SUBJECT MATTER

The disclosed subject matter pertains to a system “for tracking the movement and statuses of non-motorized vehicles, including but not limited to shopping carts.” Spec., para. [0002]. Independent claim 108 is illustrative of the claims on appeal and is reproduced below (followed by a partial reproduction of independent claim 119):

108. A system for use on a shopping cart to enable movement of the shopping cart to be monitored and controlled, the system comprising:

- a shopping cart wheel;
- a braking mechanism configured to inhibit movement of the shopping cart; and
- electronic circuitry coupled to the braking mechanism, said electronic circuitry configured to detect signals that reflect a current location of the shopping cart wheel, and to transmit status messages via a wireless radio frequency (RF) link, including status messages reflective of said signals detected by the electronic circuitry, said electronic circuitry comprising:
 - a Very Low Frequency (VLF) receiver configured to detect VLF signals transmitted by a VLF transmitter;

¹ The Final Action dated November 12, 2009 specifies the rejection of claims 239-260 but this is believed to be a mistake as page 10 of this Final Action addresses claim 238 as well. Appellants acknowledge that claim 238 is also pending in this appeal. App. Br. 2.

an RF transceiver configured to communicate bi-directionally over the wireless RF link in a frequency band that falls substantially higher than a VLF frequency band; and

a controller coupled to the VLF receiver, the RF transceiver, and the braking mechanism, said controller configured to control the braking mechanism;

wherein the electronic circuitry is configured to determine, based at least in part on messages received over the RF link with the RF transceiver, whether to respond to detection of a VLF signal by the VLF receiver by activating the braking mechanism.

Independent claim 119 is also directed to a system for monitoring and includes the limitation:

119.

....

.... wherein the RF transceiver system is configured to respond to commands received over the wireless network, and to VLF signals received by the VLF receiver, by at least activating the brake mechanism to control movement of the vehicle, and the RF transceiver system is additionally configured to determine, based at least partly on messages received over the wireless network, whether to respond to a VLF signal by activating said brake mechanism.

REFERENCES RELIED ON BY THE EXAMINER

Husher	US 5,068,654	Nov. 26, 1991
Malec	US 5,295,064	Mar. 15, 1994
Moreno	US 5,315,290	May 24, 1994
Greene	US 6,002,348	Dec. 14, 1999
Croft	US 6,078,826	Jun. 20, 2000
Geiger	US 2001/0028301 A1	Oct. 11, 2001
Clapper	US 2002/0167916 A1	Nov. 14, 2002
Treyz	US 6,587,835 B1	Jul. 1, 2003
Ueda	US 2004/0130457 A1	Jul. 8, 2004
Jensen	US 2004/0161026 A1	Aug. 19, 2004
Eckstein	US 6,894,614 B2	May 17, 2005
Taba	US 6,945,366 B2	Sep. 20, 2005

Bell
Joao

US 2006/0136303 A1
US 7,277,010 B2

Jun. 22, 2006
Oct. 2, 2007

THE REJECTIONS ON APPEAL²

1. Claims 108, 113-116, 126, 127 and 129 are rejected under 35 § U.S.C. 103(a) as being unpatentable over Moreno and Geiger. Ans. 4.
2. Claim 109 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Moreno, Geiger and Ueda. Ans. 7.
3. Claim 110 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Moreno, Geiger and Husher. Ans. 8.
4. Claims 111 and 260 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Moreno, Geiger and Croft. Ans. 9.
5. Claim 112 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Moreno, Geiger and Clapper. Ans. 10.
6. Claims 117, 123, 128 and 243 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Moreno, Geiger and Taba. Ans. 10.
7. Claims 118-122, 238-241, 256 and 258 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Moreno, Geiger and Bell. Ans. 12.
8. Claim 124 is rejected under 35 U.S.C. § 103(a) as being unpatentable over of Moreno, Bell, Joao and Eckstein. Ans. 17.
9. Claim 125 is rejected under 35 U.S.C. § 103(a) as being unpatentable over of Moreno, Bell, Joao and Greene. Ans. 17.

² The Examiner does not express a rejection of claim 130 in the Answer. In the Final Action mailed November 12, 2009, claim 130 is listed as being rejected but the Examiner does not provide a reason for the rejection therein. We thus agree with Appellants that “the intended basis for rejection is unclear.” App. Br. 2. We are not otherwise apprised of any rejection of claim 130.

10. Claims 131, 132 and 244 are rejected under 35 U.S.C. § 103(a) as being unpatentable over of Moreno, Bell, Joao and Jensen. Ans. 18.
11. Claim 246 is rejected under 35 U.S.C. § 103(a) as being unpatentable over of Moreno, Bell, Joao and Malec. Ans. 19.
12. Claim 242 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Moreno, Bell and Husher. Ans. 20.
13. Claim 245 “is rejected using the same art and rationale used to reject claim 243.” Ans. 20.
14. Claims 247 and 248 are “rejected using the same art and rationale used to reject claim 240.” Ans. 20.
15. Claim 249 “is rejected using the same art and rationale used to reject claim 241.” Ans. 21.
16. For the rejection of claim 250, the Examiner only recites that “Taba teaches magnetic markers that the wheel passes over (col. 4, lines 59-67, col. 5, lines 1-15).” Ans. 21.
17. Claims 251 and 255 are “rejected using the same art and rationale used to reject claim 239.” Ans. 21.
18. Claim 252 “is rejected using the same art and rationale used to reject claim 232.”³ Ans. 21.
19. Claims 253 and 254 are “rejected using the same art and rationale used to reject claim 119.” Ans. 21.
20. Claims 257 and 259 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Moreno, Bell and Treyz. Ans. 21.

³ As Appellants note, “claim 232 is not a pending claim” and thus “the intended basis for rejection is unclear.” App. Br. 2. We agree with Appellants and for at least the reason that claim 232 is not a pending claim, we reverse the Examiner’s rejection of claim 252.

ANALYSIS

We note that claims 126, 127 and 129 are rejected over Moreno and Geiger, the same art used to reject independent claim 108. Ans. 4. Yet claims 126, 127 and 129 depend directly or indirectly from independent claim 119 which is rejected in view of Moreno, Geiger *and Bell*. App. Br. 12; *see also* App. Br. 13-14. The Examiner does not explain how these dependent claims stand rejected in view of fewer references than that relied on to reject the parent claim. Also, the Examiner's stated reasons for the rejection of dependent claims 245 and 247-255 are not completely consistent with other rejections advanced by the Examiner. Ans. 20, 21. While Appellants respond to the rejections of these claims, Appellants also, with the exception of claim 252 (*see* footnote above), question the propriety of the Examiner's rejections due to them being inconsistent with claim dependency (e.g., claim 245 depends from independent claim 108 while the Examiner relies on "the same art and rationale" used to reject claim 243 which depends from independent claim 119). App. Br. 17, 20, 21.

However, these matters need not be resolved in this appeal because both independent claims on appeal (claims 108 and 119) include limitations directed to circuitry "configured to determine," based on messages received via radio frequency (RF), whether to respond to the detection of very low frequency (VLF) signals by activating the brake mechanism. The Examiner asserts that "Applicant is simply claiming a combination of two known systems" (Ans. 24) but does not address the manner in which these known systems are claimed. As succinctly stated by Appellants, "the Examiner's response merely considers the obviousness of providing both an RF transceiver and a VLF receiver on the shopping cart, and ignores this

Appeal 2011-001252
Application 11/277,016

limitation regarding how these two components are used in combination.”
Reply Br. 4, *see also* Reply Br. 17 and App. Br. 10, 19. We agree with
Appellants; the Examiner does not address the claim limitation directed to
the interaction of the RF and VLF systems. The Examiner references
Moreno’s RF system which activates the braking mechanism (Ans. 5, 13),
but the Examiner does not indicate where the cited references, whether alone
or in combination, teach or suggest circuitry configured as claimed, i.e.,
circuitry configured to determine via RF messaging whether to respond to
the detection of a VLF signal.

None of the other references cited are employed by the Examiner to
address this deficiency and accordingly, we reverse the Examiner’s rejection
of claims 108-132 and 238-260.

DECISION

The Examiner’s rejections of claims 108-132 and 238-260 are
reversed.

REVERSED

hh