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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte HUI WANG and SCOTT AMUNDSON

Appeal 2011-011249
Application 12/165,025
Technology Center 3700

Before FRANCISCO C. PRATS, MELANIE L. McCOLLUM, and
ULRIKE W. JENKS, *Administrative Patent Judges*.

McCOLLUM, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134 involving claims to an alarm system. The Examiner has rejected the claims as obvious. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

STATEMENT OF THE CASE

Claims 1, 2, 6, 7, and 16-20 are pending and on appeal (App. Br. 2).
Claims 1, 6, and 16 are illustrative and read as follows:

1. An alarm system comprising:
a physiological monitor capable of triggering an inaudible first alarm
in response to an alarm condition; and

a station located remotely from the physiological monitor, wherein the station is capable of receiving an input from the physiological monitor and triggering a second alarm in response to the alarm condition, and wherein when the second alarm is not acknowledged, the station sends an output to the physiological monitor to initiate an escalated audible alarm at the physiological monitor.

6. The system of claim 1, wherein the first alarm and the second alarm are triggered simultaneously.

16. A system comprising:
a processor programmed to
trigger an inaudible first alarm in response to an alarm condition;
send an output to a remotely located station, wherein the output triggers a second alarm in response to the alarm condition; and
receive an input from the remotely located station, wherein the input causes the physiological monitor to initiate an audible escalated alarm,
a memory capable of storing alarm data associated with the alarms, wherein the alarm data comprises an alarm type and a time that the alarm was triggered; and
a display capable of displaying the alarm data.

Claims 1, 2, 6, 7, and 16-20 stand rejected under 35 U.S.C. § 103(a) as obvious over Mannheimer et al. (US 2007/0106126 A1, May 10, 2007) (Ans. 4).

ANALYSIS

We conclude that the Examiner has set forth a prima facie case that the alarm systems of claims 1 and 16 would have been obvious over Mannheimer (Ans. 4-10).

Appellants argue, however, that “Mannheimer does not disclose an inaudible first alarm” (App. Br. 6). We are not persuaded. On the contrary, Mannheimer discloses “that, in some embodiments, alarms are visually

and/or haptically indicated in addition to being audibly indicated” (Mannheimer ¶ [0020]). We recognize that Mannheimer teaches these inaudible alarms together with an audible alarm. However, we agree with the Examiner that claims 1 and 16 do not exclude the presence of an audible alarm together with the inaudible alarm (Ans. 8). In fact, claim 6, which depends from claim 1, specifically indicates that the second alarm, which is not required to be inaudible, is triggered simultaneously with the first inaudible alarm.

Appellants also argue that “Mannheimer does not disclose remote acknowledgment or sending an escalated signal to a bedside monitor” (App. Br. 9). We are not persuaded. As noted by the Examiner, Mannheimer discloses “a central management station **94**” (Mannheimer ¶ [0027]). Appellants have not adequately explained why this central management station does not meet the requirements of the remotely located station of claims 1 and 16. In this regard, we do not interpret claims 1 or 16 to require that the alarm be acknowledged at a site that is remote from the patient. In addition, we agree with the Examiner that Mannheimer discloses sending an escalated signal to a bedside monitor (*id.* at ¶¶ [0027]-[0029] (“in some embodiments, the audible alarm system **96** and the alarm paging system **98** are included in the monitors **92**” and, “if the alarm is not acknowledged, the monitoring system **90** increases the alarm annoyance level”)).

With regard to claim 16, Appellants additionally argue that “Mannheimer does not appear to disclose or suggest storing historical alarm data” (App. Br. 11). We are not persuaded. Mannheimer discloses a central management station that is a personal computer (Mannheimer ¶ [0027]). In

addition, the block diagram of Mannheimer Figure 2 asks questions such as “Alarm Acknowledge?”; “Alarm Condition Still Present?”; “Alarm Timer Expired?”; and “Alarm Silence Timer Expired?.” We agree with the Examiner that the presence of memory capable of storing alarm data is at least suggested (Ans. 9-10).

CONCLUSION

The evidence supports the Examiner’s conclusion that the systems of claims 1 and 16 would have been obvious. We therefore affirm the obviousness rejection of claims 1 and 16. Claim 2, 6, 7, and 17-20 are not separately argued and therefore fall with claims 1 and 16. 37 C.F.R. § 41.37(c)(1)(iv).

TIME PERIOD FOR RESPONSE

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED

cdc