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.
11/470,060	09/05/2006	Richard Woods	SchwartzCell	7468

2655 7590 03/11/2013

DAVID PRESSMAN, ESQ.
1070 GREEN STREET
1402
SAN FRANCISCO, CA 941335418

EXAMINER	
KHAN, SUHAIL	
ART UNIT	**PAPER NUMBER**
2642	
MAIL DATE	**DELIVERY MODE**
03/11/2013	PAPER

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte RICHARD WOODS, NEHEMIA SCHWARTZ,
and NIRA SCHWARTZ

Appeal 2013-004571
Application 11/470,060
Technology Center 2600

Before, ROBERT E. NAPPI, LYNNE E. PETTIGREW, and BARBARA A. PARVIS, A*dministrative Patent Judges*.

NAPPI, *Administrative Patent Judge.*

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) of the rejection of claims 105 through 122.

We reverse.

INVENTION

The invention is directed to a mobile communication system where the position and speed of the mobile devices are monitored and the devices exceeding a speed are inhibited from receiving calls. *See* pages 3, 4, 6, and 7 of Appellants' Specification. Claim 105 is representative of the invention and reproduced below:

> 105. A method for controlling a wireless mobile phone, comprising:
>
> (a) providing a wireless mobile phone with an on-board memory,
>
> (b) said wireless mobile phone including a transmitter and a receiver for communicating with a base station,
>
> (c) providing said wireless mobile phone with a sensing unit for continuously and repeatedly sensing the space coordinates of said wireless communication mobile phone,
>
> (d) determining the times at which each sensing of said space coordinates was made,
>
> (e) storing the resultant space coordinates and corresponding respective time values in said onboard memory,
>
> (f) said on-board memory being capable of storing said resultant space coordinates and corresponding respective time values,
>
> (g) sending said space coordinates and respective time values to a remote location selected from the group consisting of said base station and another wireless mobile phone,

(h) providing said wireless mobile phone or said base station with an arithmetic logic unit for continually calculating said wireless mobile phone's speed of movement in accordance with said space coordinates and said time values and

(i) storing said speed of movement in said on-board memory or said base station,

(j) providing said wireless mobile phone with an interrupt unit for receiving an interrupt signal, and

(k) providing an interrupt signal to said wireless mobile phone in response to said mobile phone's speed of movement exceeding a predetermined value and becoming a hazardous form of communication that endangers life,

(l) said interrupt unit in said wireless mobile phone arranged to receive said interrupt signal and, in response thereto, cause a hang-up signal to be cross transmitted and received for forcing hang-up of said phone and also for continually updating information about said hang-up of said phone to said remote location,

(m) whereby said base station or said other wireless mobile phone will be updated with information that the user of said wireless mobile phone is speeding and said phone has been forced into said hang-up or on-hook state.

REJECTION AT ISSUE

The Examiner has rejected claims 105 through 122 under 35 U.S.C. § 103(a) as unpatentable over Pfleging (U.S. 2006/0099940) and Sheha (U.S. 2005/0073443). Final Rejection 6-24[1].

[1] Throughout this opinion we refer to the Final Rejection dated April 3, 2012; Examiner's Answer dated December 27, 2012; Appeal Brief dated August 23, 2012; and Reply Brief dated February 14, 2013.

ISSUE

Appellants argue on pages 7 through 29 of the Appeal Brief that the Examiner's rejection of independent claims 105, 112, and 116 is in error. These arguments present us with several issues, the dispositive issue is: did the Examiner err in finding the combination of Pfleging and Sheha teaches when an interrupt signal indicating exceeding a speed value is determined, continuously transmitting information to a remote location?

ANALYSIS

We have reviewed Appellants' arguments in the Briefs, the Examiner's rejection and the Examiner's response to the Appellants' arguments. We concur with Appellants' conclusion that the Examiner erred in finding the combination of Pfleging and Sheha teaches when an interrupt signal indicating exceeding a speed value is determined, continuously transmitting information to a remote location. Each of independent claims 105, 112, and 119 recites a limitation directed providing an interrupt signal when the mobile phone's speed exceeds a predetermined threshold and in response to this interrupt signal causing a hang up signal to be cross transmitted and continually updating the hang up of the phone to a remote location. Appellants argue on pages 25 and 27 of the Brief that this feature is not taught by the combination of the references. The Examiner in response to Appellants' argument states that the claim does not recite a limitation directed to disabling calls while allowing data communication. Answer 20. Further, the Examiner finds that Pfleging teaches that when the device is in a sleep mode (which is a power on state) due to velocity restriction, indication is passed to another device. Answer 20. While the

Examiner is correct that the claims do not directly recite data communication, they do recite continually cross transmitting the hang up of the phone to said remote location, which means that there is a continuous transmission of status. As argued by Appellants, para. 8 of Pfleging states that there is no transmission when the mobile device is subject to velocity restriction, and the Examiner has not cited any evidence to show that the mobile device continuously transmits a hang up command when in the velocity restricted sleep mode. Accordingly, we will not sustain the Examiner's rejection of claims 105 through 122 under 35 U.S.C. § 103(a) based upon the combination of Pfleging and Sheha.

DECISION

The decision of the Examiner to reject claims 105 through 122 is reversed.

REVERSED

msc