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EXAMINER	
SHAIFER HARRIMAN, DANT B	

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JAMES A. PAYNE, MAX G. FAULKNER,
and CHARLES M. LINK II

Appeal 2013-007049
Application 11/564,379
Technology Center 2400

Before HUNG H. BUI, NORMAN H. BEAMER, and
JOSEPH P. LENTIVECH, *Administrative Patent Judges*.

BEAMER, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1–5, 7–9, and 13–24.[1] Claims 6 and 10–12 are cancelled. We have jurisdiction over the pending claims under 35 U.S.C. § 6(b).

We affirm.

[1] Appellants identify AT&T Mobility II LLC as the real party in interest. (App. Br. 3.)

THE INVENTION

Appellants' invention is directed to collecting data within a wireless communications network to facilitate providing insurance coverage for connected devices. (Abstract; Specification Title.) Claim 1, reproduced below, is illustrative of the claimed subject matter:

> 1. A system, comprising:
>
> a memory that stores computer-executable instructions; and a processor, communicatively coupled to the memory, that facilitates execution of the computer-executable instructions to at least:
>
> receive identification data that identifies a device connected to a network device of a wireless communications network;
>
> determine valuation data representing a monetary value of the device based on the identification data;
>
> facilitate provision of insurance coverage for the device based on the identification data, wherein the insurance coverage corresponds to the monetary value represented by the valuation data; and
>
> facilitate a modification of the insurance coverage in response to a change in the identification data.

The Examiner rejected claims 1–3, 9, 16–21, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Holtschneider (US 2006/0046719 A1, pub. Mar. 2, 2006) and Chamberlin (WO 03/073339 A1, pub. Sept. 4, 2003). (Final Act. 9–20.)[2]

[2] Portions of the record incorrectly cite Chamberlin as "WO 03/073390." (E.g., Final Act. 9.)

The Examiner rejected claims 4 and 5 under 35 U.S.C. § 103(a) as being unpatentable over Holtschneider, Chamberlin, and Tiwari (US 7,043,255 B1, issued May 9, 2006). (Final Act. 20–22.)

The Examiner rejected claims 7 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Holtschneider, Chamberlin, and Becerra et al. (US 2004/0122697 A1, pub. June 24, 2004). (Final Act. 23–25.)

The Examiner rejected claims 13, 14, 15, and 23 under 35 U.S.C. § 103(a) as being unpatentable over Holtschneider, Chamberlin, and Bishop, Jr. et al. (US 6,997,642 B2, issued Feb. 14, 2006). (Final Act. 26–30.)

The Examiner rejected claim 22 under 35 U.S.C. § 103(a) as being unpatentable over Holtschneider, Chamberlin, and Lindman et al. (US 4,882,752, issued Nov. 21, 1989). (Final Act. 30–32.)

ISSUE ON APPEAL

Appellants' arguments in the Appeal Brief present the following issue:[3]

Whether the Examiner errs in finding that the combination of Holtschneider and Chamberlin teaches or suggests the independent claim 1 limitations (and similar limitations of independent claims 16 and 20), "determine valuation data representing a monetary value of the device based on the identification data; facilitate provision of insurance coverage for the device based on the identification data, wherein the insurance coverage corresponds to the monetary value represented by the valuation data; and

[3] Rather than reiterate the arguments of Appellants and the Examiner, we refer to the Appeal Brief (filed Feb. 11, 2013), Reply Brief (filed May 6, 2013), Final Office Action (mailed Aug. 28, 2012), and the Answer (mailed Mar. 13, 2013) for the respective details.

facilitate a modification of the insurance coverage in response to a change in the identification data." (App. Br. 10–15.)

ANALYSIS

We have reviewed the Examiner's rejections in light of Appellants' arguments that the Examiner has erred. We disagree with Appellants' arguments, and adopt as our own: (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken (Final Act. 9–32); and (2) the reasons set forth by the Examiner in the Examiner's Answer in response to Appellants' Appeal Brief (Ans. 27–41), and concur with the conclusions reached by the Examiner.

Appellants argue that the Examiner errs in finding that Holtschneider and Chamberlin teach or suggest the claim limitations at issue, because neither reference "make[s] any mention of determining a monetary value of a device," nor does either reference "***facilitate a modification of the insurance coverage in response to a change in the identification data***." (App. Br. 11–12.) The Examiner responds that Chamberlin does teach monitoring data to calculate cost of insurance and in particular notes that:

> one of ordinary skill in the art would know that before an insurance company calculates value of an insurance policy for an automobile, the insurance would have to know the value of the automobile to calculate the value of the insurance policy.

(Ans. 28.)

We agree with the Examiner. Appellants do not make any persuasive argument that the Examiner's analysis is in error, and accordingly we sustain the Examiner's rejection of independent claims 1, 16 and 20.

CONCLUSION

For the reasons set forth above, we sustain the Examiner's rejection of independent claims 1, 16 and 20. We also sustain the Examiner's rejections of: (1) claims 2–3, 9, 17–19, 21, and 24 over Holtschneider and Chamberlin; (2) claims 4 and 5 over Holtschneider, Chamberlin, and Tiwari; (3) claims 7 and 8 over Holtschneider, Chamberlin, and Becerra; (4) claims 13, 14, 15, and 23 over Holtschneider, Chamberlin, and Bishop; and (5) claim 22 over Holtschneider, Chamberlin, and Lindman, which Appellants do not separately argue with particularity. (App. Br. 15–17.)

ADDITIONAL ISSUE

In the event of further prosecution of this application, this panel suggests that the Examiner consider rejection of claims 1–5, 7–9, and 13–24 under 35 U.S.C. § 101 as being directed to non-statutory subject matter, i.e., an abstract idea in light of the two-steps framework set out in the Supreme Court decision in *Alice Corp. Pty. Ltd. v. CLS Bank lnt'l*, 134 S.Ct. 2347 (2014).

DECISION

The Examiner's rejection of claims 1–5, 7–9, and 13–24 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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