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LKGlobal (GM) 7010 E. COCHISE ROAD SCOTTSDALE, AZ 85253			SMITH, JELANI A	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte TSAI-CHING LU, DAVID L. ALLEN,
YILU ZHANG, and MUTASIM A. SALMAN

Appeal 2015-001220^{1,2}
Application 13/488,502
Technology Center 3600

Before MURRIEL E. CRAWFORD, PHILIP J. HOFFMANN, and
TARA L. HUTCHINGS, *Administrative Patent Judges*.

HOFFMANN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the final rejection of claims 1–18. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

According to Appellants, the invention “relates to methods and systems for diagnosing a vehicle.” Spec. ¶ 1. Claims 1 and 9 are the only

¹ Our decision references Appellants’ Specification (“Spec.,” filed June 5, 2012) and Appeal Brief (“Br.,” filed May 22, 2014), as well as the Final Office Action (“Final Action,” mailed Jan. 17, 2014) and the Examiner’s Answer (“Answer,” mailed Aug. 28, 2014).

² According to Appellants, GM Global Technology Operations LLC is the real party in interest. Br. 1.

independent claims. *See* Br., Claims App. We reproduce claim 1, below, as representative of the appealed claims.

1. A method of monitoring a vehicle, comprising:
 - receiving traffic data that includes messages communicated between control modules from a vehicle communication bus;
 - identifying, by a processor, net-motifs from the traffic data; and
 - detecting a mode of components of the vehicle based on the net-motifs.

Id.

REJECTIONS AND PRIOR ART

The Examiner rejects claims 1–3, 6, 7, 9–11, 14, 15, 17, and 18 under 35 U.S.C. § 102(b) as anticipated by Breed (US 2008/0147265 A1, pub. June 19, 2008).

The Examiner rejects claims 4, 5, 12, and 13 under 35 U.S.C. § 103(a) as unpatentable over Breed and Matsuyama (US 2008/0154964 A1, pub. June 26, 2008).

The Examiner rejects claims 8 and 16 under 35 U.S.C. § 103(a) as unpatentable over Breed and Jordan (US 2006/0083229 A1, pub. Apr. 20, 2006).

See Final Action 3–12; *see* Answer 2.

ANALYSIS

Based on our review of the record, for the reasons discussed in detail below, we affirm the rejections of claims 1–18.

Appellants argue that independent “[c]laims 1 and 9 were previously amended to clarify that the net-motifs are identified based on traffic data that includes messages that are communicated between control modules and that are from the communication bus. At least these features are not disclosed in the art of record.” Br. 3. More specifically, Appellants argue as follows:

The Examiner, however, suggests in the Final Office Action that the inflator control system discussed in paragraph [0551] of Breed is part of a vehicle network and communicates messages that are received and analyzed to diagnose the vehicle. Appellants respectfully disagree. In particular, Appellants fail to find mention in Breed that the messages communicated by the inflator control system are received and analyzed to diagnose the vehicle.

...

Thus, these messages may be generated as a result of a diagnosis however, are not used in performing the diagnosis (or the detection of a mode of a component of the vehicle).

Id. at 4–5 (square brackets original). We disagree with Appellants that Breed is limited to “messages . . . generated as a result of a diagnosis” and agree with the Examiner’s finding that Breed discloses “recogniz[ing] or determin[ing] whether the component or subsystem has a fault condition, e.g., actual or potential failure of a component or subsystem,” and that this disclosure does, in fact, teaches messages that are used to perform diagnosis (i.e., the claim limitation “detecting a mode of components of the vehicle based on” messages). Answer 5, citing Breed ¶ 161.

Thus, based on the foregoing, we sustain the anticipation rejection of independent claims 1 and 9. Inasmuch as Appellants do not separately argue the anticipation rejection of claims 2, 3, 6, 7, 10, 11, 14, 15, 17, and 18 that depend from the independent claims, we also sustain the anticipation rejection of the dependent claims. Still further, because Appellants do not

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separately argue the obviousness rejections of claims 4, 5, 8, 12, 13, and 16 that depend from independent claims 1 and 9, we also sustain the obviousness rejections of these dependent claims.

DECISION

We AFFIRM the Examiner's anticipation and obviousness rejections of claims 1–18.

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