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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte HORST BRAUNER, LUTZ KIESSLING,
HANS ROEHM, and WOLFGANG SCHINDLER

Appeal 2015-002965
Application 11/587,819¹
Technology Center 3600

Before JOSEPH A. FISCHETTI, KENNETH G. SCHOPFER,
MATTHEW S. MEYERS, *Administrative Patent Judges*.

SCHOPFER, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134 from the rejection of claims 11–15, 17–21, 23–30, 33, and 34. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ According to Appellants, the real party in interest is Daimler AG. Br. 1.

BACKGROUND

According to Appellants, “[t]he invention relates to a method for controlling at least one safety-related component of a motor vehicle . . . , and a motor vehicle, in particular a passenger car, having at least one safety-related component which can be actuated by means of a control device.” Spec. 1, ll. 7–13.

CLAIMS

Claims 11–15, 17–21, 23–30, 33, and 34² are on appeal. Claim 11 is illustrative of the appealed claims and recites:

11. A method for reducing undesired triggering of at least one safety-related component of a motor vehicle that is controlled as a function of vehicle movement dynamics of the motor vehicle detected by sensors, actuation of the safety-related component being carried out as a function of at least one predefined and adaptable threshold value characterizing vehicle movement dynamics that are critical for driving safety in such a way that a risk of injury to a vehicle occupant, another party, or both the vehicle occupant and the other party in a collision is reduced, comprising:

evaluating a driver-end power request by differentiating a first situation, in which said driver-end power request is produced in a voluntary and controlled fashion, from a second situation, in which said driver-end power request is produced in a random and uncontrolled fashion, based on a speed of accelerator pedal release,

changing the threshold value as a function of a reduction in the driver-end power request, and

avoiding undesired triggering of said at least one safety-related component by actuating the safety-related component

² Claims 1–10, 16, 22, 31, and 32 have been cancelled. *See* Br. 8.

only when vehicle movement dynamics, which result from the driver-end power request and are critical for safety, are evaluated as having been brought about in the random and uncontrolled fashion.

Br. 8.

REJECTIONS

1. The Examiner rejects claims 11–15, 17, 19–21, 23, 26, and 29 under 35 U.S.C. § 103(a) as unpatentable over Fujii³ in view of Walenty⁴ and Matsumoto.⁵
2. The Examiner rejects claims 16 and 22 under 35 U.S.C. § 103(a) as unpatentable over Fujii in view of Walenty, Matsumoto, and Mueller.⁶
3. The Examiner rejects claims 18, 24, 25, 27, 28, and 30 under 35 U.S.C. § 103(a) as unpatentable over Fujii in view of Walenty, Matsumoto, and Specht.⁷
4. The Examiner rejects claim 33 under 35 U.S.C. § 103(a) as unpatentable over Fujii in view of Walenty, Matsumoto, and Colemere.⁸
5. The Examiner rejects claim 34 under 35 U.S.C. § 103(a) as unpatentable over Fujii in view of Matsumoto and Gimmler.⁹

³ Fujii, US 6,374,168 B1, iss. Apr. 16, 2002.

⁴ Walenty et al., US 2003/0074125 A1, pub. Apr. 17, 2003.

⁵ Matsumoto et al., US 7,580,785 B2, iss. Aug. 25, 2009.

⁶ Mueller, US 6,293,361 B1, iss. Sept. 25, 2001.

⁷ Specht, US 6,394,495 B1, iss. May 28, 2002.

⁸ Colemere, Jr., US 5,835,008, iss. Nov. 10, 1998.

⁹ Gimmler et al., US 6,278,911 B1, iss. Aug. 21, 2001.

DISCUSSION

With respect to independent claim 11, Appellants argue only that the art does not suggest “the act or operation of differentiating situations with voluntary and controlled driver-end power requests from situations with random and uncontrolled requests.” Br. 5. However, we agree with the Examiner that Fujii teaches or suggests such a differentiation. *See* Ans. 3.

Although the Examiner indicates in the rejection that Fujii does not expressly disclose such a differentiation, Fujii discloses evaluating the speed of accelerator pedal release to determine if it was a voluntary action, i.e. Fujii discloses that the CPU “judges whether the driver performs the . . . action.” *See* Fujii, col. 8, l. 47–col. 9, l. 21. Fujii discloses making such a determination in order to determine if an emergency situation exists. *Id.* Thus, we find Fujii teaches differentiating emergency situations and normal driving situations, and thus, that Fujii at least suggests differentiating situations as claimed. *See* Ans. 3–4.

Based on the foregoing, we find that Appellants have not pointed, with particularity, to any error in the rejection before us. Accordingly, we sustain the rejection of claim 11. Appellants do not present separate arguments with respect to dependent claims 12–15, 17–21, 23–30, and 33, and thus, we sustain the rejection of those claims for the same reasons.

With respect to claim 34, Appellants argue only the art “fails to suggest altering the Fujii system in such a way as to meet the ‘changing a threshold value’ limitations in claim 34.” Br. 6. However, Appellants only address Walenty and Gimmler in their arguments, while the rejection relies on Matsumoto for teaching changing threshold values for triggering safety relevant components. *See id.*; *see also* Final Act. 10–11; Ans. 4–5. Thus,

Appeal 2015-002965
Application 11/587,819

Appellants have not presented specific argument directed to the Examiner's findings with respect to Matsumoto's disclosure of changing threshold values. *See* Final Act. 10–11; *see also* Ans. 5. Accordingly, we sustain the rejection of claim 34.

CONCLUSION

For the reasons set forth above, we AFFIRM the rejections of claims 11–15, 17–21, 23–30, 33, and 34.

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