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13/035,497	02/25/2011	Mikko Antero Nurmi	P5117US00	2944

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EXAMINER

HEINLE, COURTNEY D

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MIKKO ANTERO NURMI

Appeal 2015-003003¹
Application 13/035,497²
Technology Center 3600

Before MICHAEL C. ASTORINO, JAMES A. WORTH, and
KENNETH G. SCHOPFER, *Administrative Patent Judges*.

WORTH, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1–20. We have jurisdiction under 35 U.S.C. §§ 134 and 6(b).

We REVERSE.

¹ Our decision refers to the Appellant's Appeal Brief ("Appeal Br.," filed July 23, 2014) and Reply Brief ("Reply Br.," filed Dec. 30, 2014), and the Examiner's Final Office Action ("Final Act.," mailed Feb. 24, 2014) and Answer ("Ans.," mailed Oct. 30, 2014).

² According to Appellant, the real party in interest is Nokia Corporation (Appeal Br. 1).

Introduction

Appellant’s application is titled “Method and Apparatus for Providing Route Information in Image Media,” and relates to “the use of location and/other device sensor information to make [an] imaging task more engaging for consumers by for instance providing historical route information as overlays in captured images.” (Spec. ¶ 2).

Claims 1 and 11 are the independent claims on appeal. Claim 11, reproduced below, is illustrative of the subject matter on appeal:

11. An apparatus comprising:
 - at least one processor; and
 - at least one memory including computer program code for one or more programs,
 - the at least one memory and the computer program code configured to, with the at least one processor, cause the apparatus to perform at least the following,
 - process and/or facilitate a processing of one or more images to determine, at least in part, location information, orientation information, or a combination thereof of a user device while capturing the one or more images, or at a time when the one or more images were captured;
 - determine route information including one or more routes the device, a user of the device, one or more other users associated with the user, or a combination thereof had traveled; and
 - process and/or facilitate a processing of the one or more images, the location information, the orientation information, the route information, or a combination thereof to generate at least one rendering of at least a portion of the route information for display in the one or more images.

(Appeal Br. 14–15, Claims App.)

*Rejections on Appeal*³

The Examiner maintains, and Appellant appeals, the following rejections:

- I. Claims 1–4, 6–14, 16–20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lindner (US 2011/0313653 A1, pub. Dec. 22, 2011) and Figueroa (US 2009/0254268 A1, pub. Oct. 8, 2009).
- II. Claims 5 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lindner, Figueroa, and Kudo (US 2005/0251325 A1, pub. Nov. 10, 2005).

ANALYSIS

Claim 11 and its dependent claims

We interpret claim 11 to require an apparatus configured to determine “route information” defined as “one or more routes the device, a user of the device, one or more other users associated with the user, or a combination thereof had traveled.” (Claims App’x). Based on the presence of the modifier “had” in the claim phrase “had traveled,” we further interpret the recited “route information” to refer to a “route” traveled on a previous trip (rather than a route that has just been traveled on a present trip). This interpretation is confirmed by the enumerated ways in which the recited “route” may have been traveled—i.e., by “the device,” “a user of the device,” or “one or more other users associated with the user”—as the associated users are understood to have been on a previous trip (rather than the present trip). Related limitations of claim 11 further recite that the

³ A rejection under 35 U.S.C. § 101 has been withdrawn. *See* Ans. 2.

“route information” is used, in turn, to “generate at least one rendering of at least a portion of the route information for display in the one or more images” (Claims App’x).

The Examiner relies on paragraph 15 of Figueroa for the “route information,” as disputed by Appellant. This portion of Figueroa describes computing a detected position of the computing navigation device “[b]y storing a plurality of detected positions, a detected route **40** actually traveled by the computing navigation device **12** may be computed by the GPS receiver **42**, and passed to the route module **54**.” However, this portion of Figueroa is unclear, at best, as to whether route 40 is traveled on a present trip or on a previous trip, as required by claim 11. As such, we are persuaded by Appellant that Figueroa does not necessarily disclose a navigation system configured to determine a route from a previous trip for display. *See* Appeal Br. 7–9. Accordingly, we determine that the Examiner failed to make a prima facie case of obviousness. We, therefore, do not sustain the Examiner’s rejection under § 103(a) of claim 11 and its dependent claims.

Claim 1 and its dependent claims

Independent claim 1 contains similar language and requirements as independent claim 11. We do not sustain the Examiner’s rejection under § 103(a) of claim 1 and its dependent claims, for similar reasons as for independent claim 11.

DECISION

The Examiner’s decision to reject claims 1–20 is reversed.

Appeal 2015-003003
Application 13/035,497

REVERSED