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Core Wireless Licensing Ltd 5601 Granite Parkway Suite 1300 Plano, TX 75024			HOLLIDAY, JAIME MICHELE	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JOHN PAGONIS and MARK JACOBS

Appeal 2015-004469
Application 13/673,068
Technology Center 2600

Before JAMES W. DEJMEK, SCOTT B. HOWARD, and JOYCE CRAIG,
Administrative Patent Judges.

CRAIG, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellants¹ appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 10–14 and 24–28. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

¹ According to Appellants, the real party in interest is Core Wireless Licensing S.a.r.l. App. Br. 1.

INVENTION

Appellants' invention relates to a method of enabling a wireless information device to access location data. Abstract. Claim 10 is illustrative and reads as follows, with disputed limitations shown in italics:

10. An apparatus, comprising:

at least one processor, wherein the at least one processor is programmed to cause the apparatus to at least:

select an absolute location finding system from one or more absolute location finding systems running on the apparatus that meets quality of position (QoP) parameters defined by an authorized component running on the apparatus;
and

in response to selecting the absolute location finding system that meets the defined quality of position parameters, cause location data from the selected absolute location finding system to be sent to the authorized component running on the apparatus;

wherein the QoP parameters are selected from at least one of: horizontal accuracy, vertical accuracy, time to fix, cost and power consumption.

REJECTIONS

Claims 10 and 24 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Fidler (US 2002/0161547 A1; Oct. 31, 2002) and Brebner et al. (US 2002/0194266 A1; Dec. 19, 2002) (“Brebner”).

Claims 11 and 25 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Fidler, Brebner, and Nowak et al. (US 2002/0193121 A1; Dec. 19, 2002).

Claims 12–14 and 26–28 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Fidler, Brebner, and Lelievre et al. (US 2003/0040272 A1; Feb. 27, 2003).

ANALYSIS

The Examiner found Fidler teaches or suggests all of the limitations recited in claim 10, except that the recited “quality of position (QoP) parameters” are “defined by an authorized component running on the apparatus,” for which the Examiner relied on Brebner. Final Act. 4–6.

Appellants argue that, in Fidler, because the reliability of the location data is assessed only after the location data has been obtained, “Fidler cannot disclose or suggest selecting an absolute location finding system that meets quality of position parameters, and sending location data in response to the selection of the absolute locating finding system,” as claim 10 requires. App. Br. 3.

Appellants’ arguments do not persuade us of Examiner error. The plain language of claim 10 does not require assessing the reliability of location data, but rather selecting an absolute location finding system that meets QoP parameters.

Moreover, Appellants’ arguments do not sufficiently rebut the Examiner’s findings. The Examiner found Fidler teaches searching for and selecting a second device location by assessing location data capabilities. Ans. 2–3 (citing Fidler ¶¶ 29–34). The Examiner further found Fidler teaches that the selected second device sends location data to a first device. *Id.* at 3 (citing Fidler ¶¶ 35–37); *see also* Fidler ¶ 34 (“If the second device has such capabilities, the location data is obtained (block 42)”). Rather than

address those findings, Appellants focus their arguments on Fidler’s teaching of subsequently evaluating the reliability of the location data sent by the second device, which occurs after the location data is obtained from the second device. App. Br. 3 (citing Fidler ¶¶ 10, 34, 37); Reply Br. 1–2.

Indeed, Appellants do not persuasively rebut the Examiner’s findings related to Fidler’s paragraphs 29–33 (*see* Reply Br. 1–2), and we find Appellants’ arguments directed to paragraph 34 insufficient to rebut the Examiner’s findings as a whole (*see* App. Br. 3; Reply Br. 2). In the Reply Brief, Appellants state merely that “in Fidler location data is obtained whenever the second device has the capability to report location data.” *Id.* at 2 (citing Fidler ¶ 34). Appellants do not persuasively explain why Fidler’s teaching in paragraphs 29–34 of searching for and selecting a second device using a geographically sequential search, which Fidler teaches can be based on information such as signal strength or different ranges of operation of different wireless communications protocols (*see* Fidler ¶ 30), would not have taught or suggested to an artisan of ordinary skill the “select” limitation recited in claim 10.

For these reasons, we are not persuaded the Examiner erred in finding the combination of Fidler and Brebner teaches or suggests the limitations of claim 10.

Accordingly, we sustain the 35 U.S.C. § 103(a) rejection of independent claim 10, as well as the 35 U.S.C. § 103(a) rejection of independent claim 24, which Appellants argue is patentable for similar reasons. App. Br. 4. We also sustain the Examiner’s rejection of dependent claims 11–14 and 25–28, for which Appellants make no additional arguments. *Id.*

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DECISION

We affirm the decision of the Examiner rejecting claims 10–14 and 24–28.

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). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED