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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* BOSCH AUTOMOTIVE SERVICE SOLUTIONS INC. and  
ROBERT BOSCH GmbH,  
Appellant

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Appeal 2015-004504  
Application 14/041,032  
Technology Center 2100

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Before MARC S. HOFF, STEPHEN C. SIU, and  
JENNIFER L. McKEOWN, *Administrative Patent Judges*.

SIU, *Administrative Patent Judge*

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 2–21. We have jurisdiction under 35 U.S.C. § 6(b).

The disclosed invention relates generally to a cellular phone configured to connect to a vehicle diagnostic system. Spec ¶ 0001. Independent claim 2 reads as follows:

2. A method of displaying vehicle data comprising:

generating with a handheld device with cellular connectivity a vehicle computer module communication protocol for communicating with a vehicle computer module;  
placing the handheld device in circuit communication with the vehicle computer module using the generated communication protocol;  
generating vehicle data with the vehicle computer module;  
processing the generated vehicle data; and  
displaying on a display of the handheld device display data based upon the processed received vehicle data.

The Examiner rejects claims 2–21 under 35 U.S.C. § 102(e) as anticipated by Ying.

#### ISSUE

Did the Examiner err in rejecting claims 2–21?

#### ANALYSIS

##### Claim 2

Appellants argue that Ying fails to disclose a handheld device “with cellular connectivity,” as recited in claim 2. App. Br. 3, 4 (citing Final Act. 3, Ying ¶¶ 61, 74, 96-99, 133). The Examiner disagrees with Appellants. Ans. 2, 3 (citing Ying ¶ 146). As the Examiner explains, Ying discloses a device “having . . . wireless communication capability with the control network” and “may include circuitry for communicating wirelessly over a cellular telephone network,” for example. Ying ¶ 146. Appellants do not demonstrate persuasively a difference between communicating wirelessly over a cellular network of Ying and the claim feature of “cellular connectivity.” *See, e.g.*, Reply Br. 2, 3.

Appellants argue that Ying fails to disclose displaying data based upon the processed received vehicle data, as recited in claim 2. App. Br. 4, 5 (citing Final Act. 3). As the Examiner points out, Ying discloses, for

example, that “the portable electronic diagnostic equipment . . . may comprise, among other things, a graphical display for displaying diagnostic and maintenance information.” Ying ¶ 146. Appellants do not sufficiently point out differences between displaying vehicle data of Ying and displaying vehicle data as recited in claim 2, for example. *See, e.g.*, Reply Br. 2, 3. In both cases, data is displayed.

#### Claims 3 and 15

Claim 3 recites transmitting vehicle data to a remote computer and processing the vehicle data at the remote computer. Claim 15 recites a similar feature. Appellants argue that “nothing [in Ying] suggests that vehicle data is transmitted to a remote computer for processing.” App. Br. 7, 17 (citing Final Act. 4, Ying ¶¶ 53, 68). The Examiner disagrees with Appellants. Ans. 3, 4 (citing Ying ¶¶ 66, 84, 111, 143, 150, 156). We agree with the Examiner. For example, as the Examiner indicates, Ying discloses that “the system . . . also include[s] a remote processing site . . . whereby . . . operations may be conducted.” Ying ¶ 156. Hence, Ying discloses processing the data at a remote computer.

Appellants argue that Ying discloses that “operations may be ‘conducted’ at the remote site” but fails to disclose “detail regarding the manner in which any such operations would be ‘conducted.’” App. Br. 7; Reply Br. 7. Claim 3 recites “processing” the data at the remote computer. One of skill in the art would have understood that a “processing site,” as disclosed by Ying, would “process” data, as recited in claim 3. Appellants do not demonstrate sufficiently that claim 3 also recites a specific “detail” of the processing that Ying fails to disclose. Therefore, for at least this reason, we are not persuaded by Appellants’ argument.

Claims 8, 20, and 21

Claim 8 recites transmitting error/fault codes from a remote computer system to the handheld device. Claims 20 and 21 recite a similar feature. Appellants argue that “[n]othing . . . [in Ying] indicates that any data is received from a remote computer, much less an error/fault code.” App. Br. 9, 10, 18, and 19 (citing Final Act. 4, Ying ¶ 109). The Examiner disagrees with Appellants. Ans. 4, 6 (citing Ying ¶¶ 51, 109, 148, 150, 153, 154, Fig. 31). We agree with the Examiner.

For example, as the Examiner points out, Ying discloses that “diagnostic information . . . [is obtained] from a . . . remote source” or “from various remote vendor computer systems” and that such information may include, for example, “an error message [that] may be displayed on the screen image of the personal digital assistant.” Ying ¶¶ 51, 109, 150, Fig. 31. Appellants do not explain sufficiently a difference between a “remote source” transmitting information to a handheld device, the information including an error/fault code (e.g., an “error message”) and the disputed claim feature.

Claim 11

Claim 11 recites that the display data comprises instruction data. Appellants argue that Ying fails to disclose “anything being displayed . . . much less displaying instruction on the handheld device after vehicle data is processed.” App. Br. 10, 11 (citing Final Act. 4, Ying 77, 80, Figs. 7-8). The Examiner disagrees with Appellants. Ans. 4 (citing Ying ¶ 97). As the Examiner indicates, Ying discloses a “graphical screen display” that “includes a graphical screen display . . . [that] provide[s] . . . instructions.” Ying ¶ 97. Appellants argue that Ying discloses “no indication . . . that any instruction is displayed” (App. Br. 10) but does not explain a sufficient

difference between displaying instructions of Ying and displaying instruction data, as recited in claim 11. We are not persuaded by Appellants' argument.

#### Claim 12

Claim 12 recites that the display data comprises a message to a customer indicating that a vehicle needs to be serviced. App. Br. 12, 13 (citing Final Act. 4, Ying ¶¶ 68, 108, Fig. 17). The Examiner disagrees with Appellants. Ans. 4 (citing Ying ¶¶ 68, 108). We agree with the Examiner. For example, Ying discloses a user “enter[s] a transit vehicle type” and “transit vehicle ID,” which “identifies the specific vehicle to be serviced.” ¶ 108. Appellants do not point out sufficient differences between Ying and the disputed claim feature.

#### Claim 14

Claim 14 recites transmitting data associated with a vehicle to a remote computer using the handheld device and transmitting the communication protocol to the handheld device based upon the transmitted data. Appellants argue that “nothing [in Ying] suggests that a communications protocol is transmitted to the handheld device, much less such transmission after first transmitting vehicle related data to the remote computer from the handheld device.” App. Br. 15 (citing Final Act. 4, Ying ¶¶ 53, 68, Fig. 27). The Examiner disagrees with Appellants. Ans. 5. We agree with the Examiner.

For example, as the Examiner explains, Ying discloses a handheld device (i.e., a “portable wireless diagnostic equipment”) in “wireless communication with [a] control network” via “appropriate electronics to enable wireless communication” and “communication protocols” that is information that is used “for transporting data to and from” devices in a

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network. Ying ¶¶ 59, 65, 70. The handheld device of Ying (i.e., “portable electronic diagnostic equipment”) “has wireless cellular capability” and provides “vehicle . . . identification information” “directly . . . [to] the remote . . . computer . . . via the cellular network,” the remote computer “support[ing] Internet-based communication protocols, and therefore provid[ing the protocols] . . . for the portable electronic diagnostic equipment . . . to retrieve information from [the] remote . . . computer.”

¶¶ 151-152. Hence, Ying discloses portable electronic diagnostic equipment (i.e., handheld device) that transmits vehicle data to a remote computer (or server) and receives a transmission of a communication protocol “to retrieve information from [the] remote . . . computer.” Appellants do not provide a sufficient explanation of any substantial alleged differences between Ying and the disputed claim feature.

#### Reply Brief Argument

Appellants argue that all of the Examiner’s findings are “new [after-final] rejections [that] are improper.” Reply Br. 3. “On the second or any subsequent examination or consideration by the examiner the rejection or other action may be made final” and “[p]etition may be taken to the Director in the case of objections.” See 37 C.F.R. § 1.113(a). Under 37 C.F.R. § 1.181(a)(1), a petition may be taken to the director from any action or requirement of any examiner which is not subject to appeal. Appellants do not indicate that a petition was filed in this matter. In any event, we do not consider such petitionable matters that are not subject to appeal.

#### DECISION

We affirm the Examiner’s rejection of claims 2–21 under 35 U.S.C. § 102 as anticipated by Ying.

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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