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13/215,922	08/23/2011	JOERG H. MEYER	101.0278	3158
35204	7590	11/29/2016	EXAMINER	
SCHLUMBERGER ROSHARON CAMPUS 10001 Richmond IP - Center of Excellence Houston, TX 77042			BETSCH, REGIS J	
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* JOERG H. MEYER, MICHAEL CARNEY, and BOBBY D. POE

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Appeal 2015-005131  
Application 13/215,922  
Technology Center 2800

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Before KAREN M. HASTINGS, MICHAEL P. COLAIANNI, and  
AVELYN M. ROSS, *Administrative Patent Judges*.

HASTINGS, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants<sup>1</sup> appeal under 35 U.S.C. § 134(a) from the Examiner's decision<sup>2</sup> finally rejecting claims 1, 2, 4–7, 9, 10, and 21–27. Br. 2. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

Of the appealed claims, claims 1 and 21 are independent. Claim 1 is representative, and is reproduced below (Br. 14, Claims App'x):

1. A method for use in a hydrocarbon production system, comprising:
  - providing a fiber optic sensor system deployed in a hydrocarbon production system, wherein the hydrocarbon production system comprises production components used in the production of production fluids and solids, where the production components are located in either the wellbore or at a wellhead surface facility, and wherein the fiber optic system extends through the hydrocarbon production system to a location of interest;
  - providing at least one production component in the production system; wherein the fiber optic system is situated so as to detect vibration of the production component;
  - providing a signal acquisition and analysis unit, wherein the analysis unit is in communication with the fiber optic system;
  - sending light signals down the fiber optic sensor system;
  - analyzing detected light signals with the analysis unit, wherein the analysis unit uses a distributed vibration sensing (DVS) analysis to identify a change in a flow condition of the production fluids based upon measured vibration of the production component; and
  - identifying a source of the change in the flow condition of the production fluids based upon the analyzed light signals.

The claims stand rejected as follows:

1. claims 1, 2, 4–7, 9, 10, and 21–27 are rejected under 35 U.S.C. § 112 (pre-AIA), first paragraph, because the specification, while being

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<sup>1</sup> Appellants identify the real party in interest as Schlumberger Technology Corporation (Br. 1).

<sup>2</sup> Final Office Action mailed March 27, 2014 (“Final Act.”).

enabling for identifying a flow condition change has occurred, does not reasonably provide enablement *for identifying a source* of the change in the flow condition;

2. claims 4–7 and 9 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter; and

3. claims 1, 2, 4–7, 9, 10, and 21–27 are rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over at least the basic combination of Greenaway (U.S. PGPub No. 2010/0038079 A1, published Feb. 18, 2010) in view of Looper et al. (U.S. PGPub No. 2010/0300683 A1, published Dec. 2, 2010) (“Looper”).<sup>3</sup>

We have considered the arguments advanced by Appellants in the Appeal Brief. These arguments are not persuasive of reversible error in the Examiner’s conclusions of non-enablement, indefiniteness, and obviousness for essentially the reasons stated by the Examiner in the Response to Argument section of the Answer. *See* Ans. 2–20.

Appellants (1) do not adequately respond to the scope of enablement rejection which is based on the broad scope of the claim language (Ans. 2–13), (2) fail to appreciate that the alternative language of dependent claims 4–7 and 9 can be interpreted in more than one way (Ans. 14), and (3) fail to adequately address the facts and reasons relied on by the Examiner in

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<sup>3</sup> Although the Examiner applies additional prior art to this basic combination for various other claims (Final Act. 10–21); Appellants only rely on the reasons presented for claim 1 for all other obviousness rejections, and do not present any additional arguments (Br. 9–12).

Appeal 2015-005131  
Application 13/215,922

support of the obviousness determination by the combination of Greenaway and Looper (Ans. 14–17) (Br. *generally*; no Reply Brief has been filed).

With respect to the obviousness rejection, we note that the Supreme Court has stated that it is error to “look only to the problem the patentee [or applicant] was trying to solve.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 420 (2007); *see also In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006); *In re Beattie*, 974 F.2d 1309, 1312 (Fed. Cir. 1992) (“[T]he law does not require that the references be combined for the reasons contemplated by the inventor.”).

We adopt the Examiner’s fact finding and reasoning, as set forth in the Final Office Action and the Answer, in sustaining the Examiner’s rejections.

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