



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/800,913	05/25/2010	Ronald E. Wagner	BAEP-1160 CON	7006
22500	7590	10/31/2016	EXAMINER	
BAE SYSTEMS PO BOX 868 NHQ1-719 NASHUA, NH 03061-0868			SECK, ABABACAR	
			ART UNIT	PAPER NUMBER
			2122	
			MAIL DATE	DELIVERY MODE
			10/31/2016	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte RONALD E. WAGNER, ROBERT CHARLTON,
GREG THOMPSON, and ROBERT UFFORD

Appeal 2015-005489
Application 12/800,913
Technology Center 2100

Before JOSEPH L. DIXON, JAMES R. HUGHES, and ERIC S. FRAHM,
Administrative Patent Judges.

FRAHM, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from a rejection of claims 1 and 3–25. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

The invention relates to a key fob sized portable performance support device for data collection and transmission to a centralized data processing location, where clip-on modules can adapt the device to a variety of applications (Spec. 5:11–22). Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A system comprising:

a key fob sized portable performance support device for allowing a user to be connected with all relevant information required for a task, said key fob sized portable performance support device including a transceiver and a display, wherein said key fob sized portable performance support device is adapted to accept a removably attachable clip-on module having a predetermined sensor, wherein functionality of said key fob sized portable performance support device is determined by the particular clip-on module clipped to said key fob sized portable performance support device; and

a support center including a processor for receiving real time data associated with the task from said key fob sized portable performance support device, analyzing the real time data and transmitting maintenance instructions to said display of said key fob sized portable performance support device.

REFERENCES

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Elliott

US 6,509,830 B1

Jan. 21, 2003

Appeal 2015-005489
Application 12/800,913

Shirakawa	US 2003/0117501 A1	June 26, 2003
Rogers	US 2005/0026129 A1	Feb. 3, 2005
Wolfson	US 2008/0191864 A1	Aug. 14, 2008
Barnes	US 2009/0091426 A1	Apr. 9, 2009
Ghazarian	US RE43,178 E	Feb. 14, 2012
Tran	US 2012/0095352 A1	Apr. 19, 2012

REJECTIONS

The Examiner made the following rejections:

Claims 1, 3, 6, 8, 12–15, 20, 22, and 24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Tran.

Claims 4, 5, 18, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tran and Barnes.

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tran and Elliott.

Claims 9 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tran and Shirakawa.

Claims 10 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tran and Wolfson.

Claims 16, 17, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tran and Ghazarian.

Claim 25 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tran and Rogers.

ANALYSIS

The Anticipation Rejection

Regarding independent claim 1, Appellants contend “*Tran* does not teach or suggest functionality of said key fob sized portable performance support device is determined by the particular clip-on module clipped to

said key fob sized portable performance support device” (App. Br. 8). We are not persuaded by Appellants’ argument.

We begin by construing the claim 1 language “removably attachable clip-on module” and “functionality of said key fob sized portable performance support device is determined by the particular clip-on module.” First, we note claim 1 does not define the “clip-on module” other than to specify that it is “removable attachable” and has a “predetermined sensor.” The Specification does not include an explicit definition for “clip-on module” and thus does not require a more limited interpretation than the plain language of the claim. Accordingly, we construe “clip-on module” broadly, but reasonably, as a sensor component that is removably attachable to a portable performance support device.

Second, we note the claim 1 language “functionality of said key fob sized portable performance support device is determined by the particular clip-on module” relates to the functionality of the performance support device as a whole, including the attached “clip-on module.” For example, the Specification provides the clip-on module may contain “sensors which can detect the condition of the equipment to be maintained or persons to be treated,” where the module enables the portable performance support device to provide “various functions in which realtime data needs to be extracted from the site and in which instructions need to be transmitted back to service personnel who provide necessary repairs and/or treatment in the case of medical monitoring” (Spec. 9:19–10:2). Accordingly, we construe the language “functionality of said key fob sized portable performance support device is determined by the particular clip-on module” as including a functionality of the portable performance device that can only be performed when the clip-on module is attached. Claim 1 thus encompasses a system

where a sensor added to a portable performance device as a clip-on module allows the device to express the functionality of collecting and transmitting sensed data.

With the above constructions, we agree with the Examiner (Ans. 25) and find Tran discloses the disputed limitation of claim 1. Specifically, Tran discloses a device that includes “a wrist-watch sized case 1380 supported on a wrist band 1374. . . . The wrist-band 1374 can be an expansion band or a wristwatch strap of plastic, leather or woven material” (Tran, ¶ 222). As shown in Tran’s Figure 6A, the wrist-band 1374 has a sensor 1383 mounted upon it. One of ordinary skill in the art would have understood Trans’ wrist-band with sensor to be a “removable attachable clip-on module” because it is a component that could be replaced. Further, Tran discloses the functionality of the device to which the wristband is attached is determined by the sensor on the wristband because “the back of the device is a conductive metal electrode 1381 that in conjunction with a second electrode 1383 mounted on the wrist band 1374, enables differential EKG or ECG to be measured” (Tran, ¶ 223). We are not persuaded by Appellants’ argument that “in *Tran*, the sensors placed on wrist watches does not change the functionality of the wrist watches” (App. Br. 8) because as Tran discloses, the sensor 1383 on the wrist-band is what allows the device to perform the functionality of measuring “differential EKG or ECG” (Tran, ¶ 223). Thus, we find Tran discloses the claim 1 limitation “functionality of said key fob sized portable performance support device is determined by the particular clip-on module clipped to said key fob sized portable performance support device.”

We are, therefore, not persuaded the Examiner erred in rejecting independent claim 1. Appellants’ arguments regarding independent claims

Appeal 2015-005489
Application 12/800,913

3, 20, and 24 are similar to the argument presented for independent claim 1, namely, “in *Tran*, the sensors placed on wrist watches does not change the functionality of the wrist watches” (App. Br. 9, 10, 11). These arguments are not persuasive for the reasons discussed above. We are, therefore, also not persuaded the Examiner erred in rejecting independent claims 3, 20, and 24, and dependent claims 6, 8, 12–15, and 22 not specifically argued separately.

The Obviousness Rejections

Regarding dependent claims 4, 5, 7, 9–11, 16–19, 21, 23, and 25, Appellants rely on the same arguments presented for independent claims 3, 20, and 24 (App. Br. 11–13). These arguments are not persuasive for the reasons discussed above. We are, therefore, also not persuaded the Examiner erred in rejecting claims 4, 5, 7, 9–11, 16–19, 21, 23, and 25.

CONCLUSIONS

Under 35 U.S.C. § 102(e), the Examiner did not err in rejecting claims 1, 3, 6, 8, 12–15, 20, 22, and 24.

Under 35 U.S.C. § 103(a), the Examiner did not err in rejecting claims 4, 5, 7, 9–11, 16–19, 21, 23, and 25.

DECISION

For the above reasons, the Examiner’s decision rejecting claims 1 and 3–25 is affirmed.

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