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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte GUNTER STROMBERGER and THOMAS FINA

Appeal 2015-005707
Application 13/077,074
Technology Center 2600

Before MAHSHID D. SAADAT, JOHNNY A. KUMAR, and
JON M. JURGOVAN, *Administrative Patent Judges*.

SAADAT, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants¹ appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1–5, 7–11, 13–19, and 21–23, which are all the claims pending in this application.² We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

¹ According to Appellants, the real party in interest is NXP B.V. (App. Br. 1).

² Claims 6, 12, and 20 have been canceled.

STATEMENT OF THE CASE

Appellants' invention relates to a system and method for wirelessly transferring data to a consumer electronic product (Spec. ¶ 14). Exemplary claim 1 under appeal reads as follows:

1. A system comprising:

a chip having a wireless interface, a buffer, a power node and a wired interface, wherein the chip is a near-field communication chip; and

a microcontroller connected to the wired interface and to the power node via a power connector, wherein the chip receives customization data via the wireless interface, temporarily stores the customization data in the buffer, and transmits the customization data to the microcontroller via the wired interface, and the microcontroller begins operation in response to a high voltage on the power node, wherein the chip is configured to set the high voltage.

REFERENCES and REJECTIONS

Claims 1, 2, 5, 7, 8, 11, 21 and 22 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Smith et al. (US 2008/0041930 A1; publ. Feb. 21, 2008), Umeda et al. (US 2008/0318523 A1; publ. Dec. 25, 2008), and Tani (US 2009/0313490 A1; publ. Dec. 17, 2009) (*see* Final Act. 2–9).

Claims 13, 14, and 17–19 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Smith and Tani (*see* Final Act. 9–12).

Claim 23 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Smith, Tani, and Umeda (*see* Final Act. 13).

Claims 3, 4, 9, and 10 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Smith, Umeda, Tani, and Kotchavi (US 2006/0259604 A1; publ. Nov. 16, 2006) (*see* Final Act. 14–16).

Claims 15 and 16 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Smith, Tani, and Kotchavi (*see* Final Act. 16–18).

ANALYSIS

Independent Claims 1 and 7

Appellants contend the combination of Smith, Umeda, and Tani does not teach “the microcontroller begins operation in response to a high voltage on the power node, wherein the chip is configured to set the high voltage” (emphasis omitted) (App. Br. 5–6; Reply Br. 1–3). Appellants argue a “high voltage” is claimed in the context of a power node, and Tani’s high speed operation mode in which a processor operates at high voltage is not the same as the claimed starting an operation in response to a high voltage on the power node (*id.*). Appellants further contend the Examiner provided no articulated reasoning to support the conclusion that Tani would provide a high voltage operation mode for the microcontroller of Smith and Umeda (*id.*).

We are not persuaded of Examiner error in the rejection, as the claims do not require any specific voltage requirements for a “high voltage.” We agree with the Examiner’s finding that the broadest reasonable interpretation, which is consistent with Appellants’ disclosure, of “the microcontroller begins operation in response to a high voltage” does not preclude Tani’s beginning a *high speed* operation at the time a high voltage (relative to a low voltage operation) is applied to the microcontroller by the power node (Ans. 5 (citing Tani ¶ 94)). *See In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1369 (Fed. Cir. 2004): “[T]he PTO is obligated to give claims their broadest reasonable interpretation during examination.”

Further, the Examiner has provided “some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness,” specifically that the combination of Tani with Smith and Umeda teaches a microcontroller operating at either low voltage or high voltage as needed, in order to conserve power (Final Act. 5; Ans. 5 (citing Tani ¶ 94)). *See also* Tani ¶¶ 7–8 and 86: switching between low power and high power modes to reduce power consumption); *see KSR Int’l v. Teleflex, Inc.*, 550 U.S. 398, 417–18 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)). Accordingly, we sustain the Examiner’s rejection of claims 1 and 7 under 35 U.S.C. § 103(a) as unpatentable over Smith, Umeda, and Tani.

Independent Claim 13

Appellants’ contentions regarding claim 13 are similar to those presented for claim 1, arguing that Tani does not teach “initiating an operation” of a microcontroller by setting a high voltage on a power node (App. Br. 9; Reply Br. 3–4) (emphasis omitted). For the reasons stated with respect to claim 1 *supra*, we agree with the Examiner’s finding that Tani teaches initiating a *high speed* operation at the time a high voltage is applied to the microcontroller by the power node (Ans. 5–6 (citing Tani ¶ 94)). Accordingly, we sustain the Examiner’s rejection of claim 13 under 35 U.S.C. § 103(a) as unpatentable over Smith and Tani.

Remaining Claims

No separate arguments are presented for dependent claims 2–5, 8–11, 14–19, and 21–23 (*see* App. Br. 7 and 11). We therefore sustain their rejections for the reasons stated with respect to independent claims 1, 7, and 13.

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Application 13/077,074

DECISION

We affirm the Examiner's decision to reject claims 1–5, 7–11, 13–19, and 21–23 under 35 U.S.C. § 103(a).

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