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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte CATHERINE L. MCCORMICK and
STEVEN SWANSON

Appeal 2015-006115
Application 12/954,322
Technology Center 2600

Before JEFFREY S. SMITH, ADAM J. PYONIN, and
JOSEPH P. LENTIVECH, *Administrative Patent Judges*.

PYONIN, *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 1–3, 5–10, and 12–18. Claims 4 and 11 have been canceled. *See* App. Br. 12–14. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

STATEMENT OF THE CASE

Introduction

Appellants' disclosure is directed to a "system and method for detecting a missing vehicle tire and notifying a user of the vehicle about a potential vehicle tire theft." Abstract. Claims 1 and 10 are independent. Claim 1 is reproduced below for reference:

> 1. A method for detecting and responding to a potential tire theft, comprising the steps of:
> (a) receiving an identification number corresponding to a sensor unit associated with a vehicle tire and comparing the received identification number to one or more stored identification numbers corresponding to one or more known sensor units associated with one or more tires of a particular vehicle;
> (b) detecting that the received identification number does not correspond to a known sensor unit of the vehicle and that a tire is missing from the vehicle when the received identification number does not match at least one of the one or more stored identification numbers to which it was compared; and
> (c) providing a notification of the missing tire via a wireless communication sent from a telematics unit on the vehicle, wherein wireless communication is sent automatically by the telematics unit in response to the detection.

The Examiner's Rejection

Claims 1–3, 5–10, and 12–18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimomura (US 7,688,184 B2; Mar. 30, 2010) (hereinafter, "Shimomura184"), Shimomura (US 6,879,247 B2; Apr. 12, 2005) (hereinafter, "Shimomura247"), and Mori (US 7,515,040 B2; Apr. 7, 2009). Final Act. 2.

ANALYSIS

Appellants argue the Examiner erred in rejecting independent claim 1, because the cited references do not teach or suggest "receiving an identification number, comparing it to one or more stored identification numbers corresponding to one or more known sensor units of a particular vehicle, and then detecting that a tire is missing from the vehicle based on the received signal not corresponding to any stored identification numbers," as required by the claim. App. Br. 7. Particularly, Appellants contend that "in Shimomura184, it is the failure to receive a reply signal from a sensor unit that is used to determine whether a tire is missing from the vehicle, not the failure of a received identification number (or ID code) to match a stored identification number." Reply Br. 2; *see also* App. Br. 6.

We are persuaded by Appellants' arguments. Shimomura184 discloses that "when the reply signal is not sent relative to the request signal, the tire is determined to exist outside of a communication area . . . because the tire is stolen." Shimomura184 5:56–58. The Examiner finds this disclosure teaches the disputed limitations, because in Shimomura184, "if there is no ID code contained within any time frame signal, control 50a compare[s] the no ID code to the ID code within the control 50a to determine the missing tire." Ans. 3. That is, the Examiner finds the recited "received identification number" encompasses the prior art's disclosure of signals containing "no ID code" (*id.*); however, Appellants correctly note "the Examiner's assertion at most discloses that the absence of an identification number may be used to identify the particular tire that is missing from a vehicle." Reply Br. 3. We agree with Appellants that the

absence of an identification number in Shimomura184 is not equivalent to the claimed *received* identification number. *Id.*

Thus, we find Shimomura184 does not teach or suggest receiving an identification number and "detecting that the received identification number does not correspond to a known sensor unit of the vehicle," as claimed; nor do the other cited references teach or suggest the limitation. *See* Final Act. 2–3. Accordingly, we are persuaded the Examiner erred in rejecting independent claim 1, as well as independent claim 10, which recites similar limitations. *See* App. Br. 8–10. We do not sustain the Examiner's rejection of these claims, or the claims dependent thereon.

DECISION

The Examiner's rejection of claims 1–3, 5–10, and 12–18 is reversed.

REVERSED