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BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD, MI 48075-1238

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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* DAVID ANTHONY HATTON, ROBERT BRUCE KLEVE, ARTHUR VAN JACK, CHRISTIAN KROZAL, DAVID RANDOLPH ROBERTS, JOSEPH CARL BEISER, CHAD EVERT ESSELINK, TRICIA TOBOLSKI, and JOHN ROBERT VAN WIEMEERSCH

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Appeal 2015-007040
Application 13/656,951
Technology Center 2600

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Before THU A. DANG, SCOTT E. BAIN, and
STEVEN M. AMUNDSON, *Administrative Patent Judges*.

DANG, *Administrative Patent Judge*.

DECISION ON APPEAL

I. STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Final Rejection of claims 1–20. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

## A. INVENTION

According to Appellants, the invention relates to "a method and apparatus for alarm control" (Spec. ¶ 1).

## B. ILLUSTRATIVE CLAIM

Claim 1 is exemplary:

1. A system comprising:
a processor in communication with a vehicle computing system (VCS) and a remote target, configured to:
receive an alarm message from the VCS, including GPS coordinates;
interpret the alarm message to retrieve at least the GPS coordinates;
perform reverse geo-coding on the GPS coordinates to associate an address with the GPS coordinates;
package the address in a new alarm message; and
send the new alarm message to the remote destination target.

## C. REJECTIONS

Claims 1–4, 7–11, and 15–18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combined teachings and suggestions of Nou (US 2006/0033615 Al, published Feb. 16, 2006) and Sheha et al. (US 2012/0254804 Al, published Oct. 4, 2012).

Claims 5, 6, 12–14, 19, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combined teachings and suggestions of Nou, Sheha and Chen et al. (US 2004/0204806 Al, published Oct. 14, 2004).

## II. ISSUE

The principal issue before us is whether the combination of Nou and Sheha teaches or at least suggests interpreting an "alarm message" to retrieve "GPS coordinates," performing "reverse geo-coding on the GPS coordinates to associate an address with the GPS coordinates," packaging the address in a "new alarm message," and sending the new alarm message to the remote destination target (claim 1).

## III. FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

*Appellants' Invention*

1. Appellants' invention is directed to alarm control (Spec. ¶ 1) for people experiencing personal emergencies who wish to call for help (Spec. ¶ 2), wherein a processor is configured to receive an alarm including GPS coordinates, interpret the alarm message to retrieve the GPS coordinates, perform reverse geo-coding on the GPS coordinates to associate an address with the GPS coordinates, and package the address in a new alarm message to send to the remote destination target. (Spec. ¶ 6).

*Nou*

2. Nou discloses an emergency safety service system including a telematics device for generating an emergency information signal, and a service providing server for receiving the emergency safety information signal, detecting/analyzing the position information to retrieve the nearest rescue teams to the accident car, and generating/transmitting an emergency safety request signal to a rescue team terminal (Abstract). In particular,

when an emergency, such as when a traffic accident occurs, the system collects condition and position information of the accident car, generates the emergency safety information signal with the condition/position information, detects/analyzes the position information, and generates/transmits an emergency safety request information having the position information to the nearest rescue teams alarming that there is an emergency safety request (¶ 15).

*Sheha*

3. Sheha discloses a wireless navigation system, such that when a user vehicle breaks down when traveling, the system provides a link to a suitable tow truck and/or other emergency services, and displays coordinates for the user's current position, which enables the users to report the coordinates to the dispatch person. The system includes a reverse geo-code to the closest address of the current location coordinates (¶ 518).

## IV. ANALYSIS

Although Appellants concede "Sheha teaches that a vehicle may perform reverse geo-coding on coordinates," Appellants contend "[n]o mention is made of packaging that information in a new alarm message, or any message, or any sending of the reverse-geo-coded information anywhere" (App. Br. 6). Although Appellants also concede "Nou teaches that the telematics unit wirelessly transmits, among other things, vehicle positon information" (*id.*), Appellant contends "[s]ince the recipient of the data from Nou already has a map with the vehicle marked thereon, there is no reason shown why the displayed information from Sheha would be added to the stored information" (App. Br. 7). According to Appellants, "Sheha

teaches the desirability of changing a conventional address to a reverse geo-coded address *to display to a driver*" (*id.*), "Nou teaches a *very specific* sending of coordinates" (App. Br. 8), and thus, there is no reason to combine the references (*id.*).

As an initial matter, we note Appellants contend that 1) Sheha does not mention packaging reverse geo-coded information in a new alarm message, and 2) Nou does not disclose, nor need to disclose, providing a reverse geo-coded address in the new alarm message (App. Br. 6–7). However, the test for obviousness is not what Sheha and Nou individually disclose. Rather, the test turns on whether the *combination* of Nou *and* Sheha teaches or suggests interpreting an "alarm message" to retrieve "GPS coordinates," performing "reverse geo-coding on the GPS coordinates to associate an address with the GPS coordinates," packaging the address in a "new alarm message" to send to a remote destination target (claim 1) to one of ordinary skill in the art. *See In re Merck & Co., Inc.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986).

We have considered all of Appellants' arguments and evidence presented. We, however, are not persuaded the Examiner erred in rejecting the claims. On the record before us, we agree with the Examiner's findings and conclusion that the claims would have been obvious over the combined teachings.

Nou teaches a system that receives an emergency safety information signal with position information, detects/analyzes the position information, and generates/transmits new emergency safety request information having the position information to the nearest rescue teams alarming that there is an emergency safety request (FF 2). That is, Nou teaches a control alarm

system for people experiencing personal emergencies who wish to call for help, similar to Appellants' invention (FF 1), with the exception that Nou's detecting/analyzing of the position information for packaging in a new alarm message to the rescue teams does not include a reverse geo-code to an associated address (*id.*). As the Examiner finds, "the only difference [between Nou and Appellants' invention] being that location transmitted is a GPS location, not a reverse geo-coding location" (Ans. 5).

However, Sheha teaches obtaining coordinates for the user's current position, which enables the users to report the coordinates to the dispatch person, and reverse geo-coding the coordinates to the closest address of the current location coordinates (FF 3). That is, Sheha teaches and suggests the need to perform reverse geo-coding of the position coordinates to associate the closest address with the coordinates in order to provide the dispatch person with the closest address (*id.*). We agree with the Examiner's finding that Sheha teaches a similar system "that sends vehicle position to tow truck or other emergency service if a car breaks down," wherein the system provides "reverse geo-coding of location coordinates so that a closest street address can be obtained" (Ans. 5). We discern no error in the Examiner's reliance on Sheha for the teaching and suggestion of performing "reverse geo-coding on the GPS coordinates to associate an address with the GPS coordinates," as required in claim 1.

We also are not persuaded the Examiner erred in finding a rationale or motivation for combining the references. We agree with the Examiner that "it would have been obvious to a person of ordinary skill in the art to send the reverse geo-decoded address [as Sheha teaches] as location data to a remote location [of Nou]" (Ans. 5). We are not persuaded of Examiner error

in finding "Appellant is simply substituting one known location determining technique for another," i.e., "reverse geo-coded location versus GPS coordinates" to "obtain the predictable result of a street address versus coordinate data" (*id.*).

The Supreme Court has stated, "[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 416 (2007). That is, when considering obviousness of a combination of known elements, the operative question is thus "whether the improvement is more than the predictable use of prior art elements according to their established functions." *Id.* at 417. The skilled artisan is "[a] person of ordinary creativity, not an automaton." *Id.* at 421.

Here, we agree with the Examiner that "Sheha teaches the known use of reverse geo-coding in a vehicle location system" wherein "choosing to use such in a vehicle location system as disclosed by Nou would have been obvious to one of ordinary skill in the art" (Ans. 6).

Further, Appellants have presented no evidence that combining Sheha's use of reverse geo-coding in a vehicle location system as disclosed by Nou would have been "uniquely challenging or difficult for one of ordinary skill in the art." *Leapfrog Enters., Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007) (citing *KSR*, 550 U.S. at 418).

As our reviewing court guides in *KSR*:

> When a work is available in one field of endeavor, design incentives and other market forces can prompt variations of it, either in the same field or a different one. If a person of ordinary skill can implement a predictable variation, § 103 likely bars its patentability.

*KSR*, 550 U.S. at 417.

This reasoning is applicable here. We conclude that it would have been well within the skill of one skilled in the art to substitute Sheha's reverse geo-coding address as the position information analyzed for incorporating in a new alarm message to be sent to the emergency service in Nou. Such a substitution/design choice would have been well within the skill of the art. *See KSR*, 550 U.S. at 417. That is, we agree Appellants' invention is simply a modification of familiar prior art teachings (as taught or suggested by the cited references) that would have realized a predictable result, *id.* at 421. Minor differences between the prior art and a claimed device may be a matter of design choice absent evidence to the contrary. *See In re Rice*, 341 F.2d 309, 314 (CCPA 1965).

On this record, we find no error in the Examiner's rejection of claim 1, independent claims 8 and 15 not separately argued, and dependent claims 2–4, 7, 9–11 and 16–18 falling therewith (App. Br. 8), over Nou and Sheha. Appellants also do not provide substantive arguments for dependent claims 5, 6, 12–14, 19, and 20 (*id.*), and thus we also affirm the rejection of these claims over Nou and Sheha, in further view of Chen.

## V. CONCLUSION AND DECISION

We affirm the Examiner's rejection of claims 1–20 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).

<u>AFFIRMED</u>