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Lewis Roca Rothgerber Christie LLP PO BOX 29001 Glendale, CA 91209-9001			HOLLIDAY, JAIME MICHELE	
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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* ROBERT B. GERBER, JR. and DAVID D. ALLEN

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Appeal 2015-007146  
Application 13/019,282  
Technology Center 2600

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Before ROBERT E. NAPPI, KALYAN K. DESHPANDE, and  
DAVID M. KOHUT *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

This is a decision on appeal under 35 U.S.C. § 134(a) of the Examiner's Final Rejection of claims 1–18, which constitute all the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

## INVENTION

The invention is directed to a system and method for managing location privacy settings for computing devices. Spec. 2:21–3:2.

## CLAIMED SUBJECT MATTER

Claim 1 is illustrative of the invention and reproduced below:

1. A system for managing location privacy of location based service applications, the system comprising:

a computing device; and

a location privacy unit accessible by the user over a link wherein the location privacy unit allows the user to set a location privacy setting for one or more location based service applications that are executed on the computing device and controls the access of each of the one or more location based service applications to location information about the computing device based on the location privacy setting associated with each of the one or more locations based service applications.

## REFERENCES AND REJECTIONS AT ISSUE<sup>1</sup>

The Examiner rejected claims 1, 8–11, and 18 under 35 U.S.C. § 102(b) as being anticipated by Hose (US 2008/0070550 A1; Mar. 20, 2008). Final Act. 3–6.

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<sup>1</sup> Throughout this Opinion we refer to the Appellants’ Appeal Brief filed February 23, 2015 (“Br.”), Final Office Action mailed July 24, 2013 (“Final Act.”), and the Examiner’s Answer mailed on April 28, 2015 (“Ans.”).

The Examiner rejected claims 2, 3, 7, 12, and 13 under 35 U.S.C. § 103(a) as being unpatentable over Hose and Hotes (US 2010/0240398 A1; Sept. 23, 2010). Final Act. 7–10.

The Examiner rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Hose, Hotes, and Arcens (US 2004/0176104 A1; Sept. 9, 2004). Final Act. 10–11.

The Examiner rejected claims 5 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Hose, Hotes, Arcens, and Sjothun (US 8,107,973 B1; Jan. 31, 2012). Final Act. 11–13.

The Examiner rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Hose, Hotes, and Moore (US 2006/0004641 A1; Jan. 5, 2006). Final Act. 13–14.

The Examiner rejected claims 15–17 under 35 U.S.C. § 103(a) as being unpatentable over Hose, Hotes, and Sjothun. Final Act. 14–17.

## ANALYSIS

Independent claims 1 and 11 recite a location privacy unit that allows a user to set a location privacy setting for one or more location-based applications that are executed on a computing device and controlling each application's access to location information about the computing device based on that setting.

Appellants argue that Hose fails to disclose the above limitation recited in claim 1. Br. 5–6. In the Appeal Brief, Appellants summarize portions of Hose and state that the disclosure of Figures 4, 5, and paragraph 61 show that the limitation is not taught. *See id.*

We have reviewed the Examiner's findings and responses and consider the Examiner to have provided a detailed explanation supported by sufficient evidence to show Hose discloses the claimed location privacy unit and its functions, as recited in independent claim 1. *See* Final Act. 3–4; *see also* Ans. 2–4. Accordingly, we adopt the Examiner's findings as our own. We note the Examiner cites to passages and teachings of Hose not addressed by the Appellants. As such, Appellants have not rebut the Examiner's findings. Thus, we do not find that the Examiner erred and sustain the Examiner's rejection of independent claim 1.

Appellants argue that independent claim 11 is patentable over Hose using the same rationale as claim 1. *See* Br. 6. As discussed above, we are not persuaded of error in the rejection of claim 1 and as such sustain the Examiner's rejection of claim 11.

Appellants also argue that claims 2–10 and 12–18 are patentable for the same reasons as their respective independent claims. *Id.* At 5–7. We are not persuaded by these arguments because they involve the same issues addressed above with respect to independent claims 1 and 11. Accordingly, we sustain the Examiner's rejection of claims 2–10 and 12–18.

#### DECISION

We sustain the Examiner's rejections of claims 1, 8–11, and 18 under 35 U.S.C. § 102(b), and the Examiner's rejection of claims 2–7 and 12–17 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).

Appeal 2015-007146  
Application 13/019,282

AFFIRMED