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EXAMINER

BRIER, JEFFERY A

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte PETRI MATTI OLAVI PIIPPO, SAMPO TUOMAS VAITTINEN,
and JUHA HENRIK ARRASVUORI

Appeal 2015-007497
Application 13/527,176¹
Technology Center 2600

Before JOSEPH L. DIXON, JOHN A. EVANS, and
STEVEN M. AMUNDSON, *Administrative Patent Judges*.

EVANS, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants seek our review under 35 U.S.C. § 134(a) of the Examiner's Final Rejection of Claims 1–20 and 49. Claims 21–48 are cancelled. Claims Appendix. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.²

¹ The Appeal Brief identifies Nokia Corporation as the real party in interest. App. Br. 2.

² Rather than reiterate the arguments of Appellants and the Examiner, we refer to the Appeal Brief (filed March 20, 2015, "App. Br."), the Reply Brief (filed August 11, 2015, "Reply Br."), the Examiner's Answer (mailed June

STATEMENT OF THE CASE

The claims relate to systems and methods for enabling users to view an image of a location from different fields-of-view. *See* Abstract.

INVENTION

Claims 1 and 11 are independent. An understanding of the invention can be derived from a reading of representative Claim 1 (*see* App. Br. 26), which is reproduced below with some formatting added:

1. A method comprising facilitating a processing of and/or processing (1) data and/or (2) information and/or (3) at least one signal, the (1) data and/or (2) information and/or (3) at least one signal based, at least in part, on the following:

a rendering of *a user interface element representing a field-of-view*;

at least one determination of one or more parameters of the field-of-view, based, at least in part, on one or more interactions with the user interface element; and

at least one determination of whether a portion of at least one panoramic image is visible in the field-of-view based, at least in part, on the one or more parameters; and

a rendering of *another user interface element representing the portion of the at least one panoramic image that is visible in the field-of-view*,

wherein the another user interface element overlays the user interface element.

11, 2015, “Ans.”), the Final Office Action (mailed October 23, 2014, “Final Act.”), and the Specification (filed June 19, 2012, “Spec.”) for their respective details.

References and Rejections

The Examiner relies upon the prior art as follows:

Adabala	US 2008/0180439 A1	July 31, 2008
Williamson	US 2010/0123737 A1	May 20, 2010

1. Claims 1–20 and 49 stand rejected under 35 U.S.C. § 112(b/pre-AIA 2nd ¶) as being indefinite. Final Act. 6–7.
2. Claims 1–8, 10–18, 20, and 49 stand rejected under 35 U.S.C. § 102(b) as anticipated by Williamson. Final Act. 8–13.
3. Claims 9 and 19 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Williamson and Adabala. Final Act. 13–15.

ANALYSIS

We have reviewed the rejections of Claims 1–20 and 49 in light of Appellants’ arguments that the Examiner erred. We consider Appellants’ arguments *seriatim*, as they are presented in the Appeal Brief, pages 5–24.

CLAIMS 1–20 AND 49: INDEFINITENESS.

With respect to independent Claims 1 and 11, the Examiner finds the claimed “user interface element” corresponds to circle 407 in Appellants’ Specification Figures 4A–4F. Final Act. 9. The Examiner finds the claimed “user interface element” reads on any one of Williamson’s circular orientation overlays 450, 550, 610, or 750. *Id.*

Appellants contend Examiner’s interpretation of the claimed “user interface element” is unreasonable. App. Br. 6. Appellants argue the Specification defines the claimed “user interface element,” not as circle 407 as found by the Examiner, but as square element 403. *Id.* at 7 (citing Spec., ¶ 42; Fig. 4C).

The Examiner finds that Appellants' "argument is not persuasive because" the claimed "user interface element" and "another user interface element overlays the user interface element" are "interpreted by the Examiner and by Appellants to cover different user interface elements of Appellants disclosure. Thus, the metes and bounds of the claims have not been clearly identified to one of ordinary skill in the art." Ans. 13–14.

The claims recite a "user interface element" and "another user interface element." The Specification³ refers to these terms inconsistently. For example, Paragraph 65 recites "another user interface element 407," "the first user interface element 403," "the other user interface element 407," "the user interface element 407," and "the user interface element 403" referring to Figures 4A and 4B. Thus, Paragraph 65 uses Numerals 403 and 407 to refer to the claimed "the user interface element." Moreover, Numeral 407 is described both as "the other user interface element 407," "the user interface element 407" (i.e., with and without the recitation "the other"). The '446 Publication, ¶ 65.

Similarly, with reference to Figures 4C and 4D, Paragraph 66 recites "user interface element 403" and "user interface 407."

Paragraph 67 recites "user interface element 407" and "the user interface element 407." However, Paragraph 68 recites "user interface element 403" (not 407).

Notwithstanding a lack of absolute clarity, the Examiner finds the Specification is interpretable.⁴ See Ans. 13. The Examiner finds "circle 407

³ We refer to Pre-Grant Publication US 2013/0335446 ("the '446 publication").

⁴ Should prosecution in this case continue, Appellants may wish to consider clarifying reference to the claimed "user interface element" and the claimed

‘represents’ a 360 degree view around a given point-of-interest and triangle 415,417,419 within circle 407 ‘represents’ the view shown in user interface element 403.” *Id.* In view of this finding, the Examiner determines the prior art is applicable to the claims.

In view of the foregoing, we decline to sustain the rejection under 35 U.S.C. § 112.

CLAIMS 1–8, 10–18, 20, AND 49: ANTICIPATION BY WILLIAMSON.

Appellants contend the Examiner correlates Williamson’s “orientation overlay” with the claimed “user interface element” and Williamson’s “pie-shaped indicator” with the claimed “another user interface element.” App. Br. 16. Appellants argue Williamson’s orientation overlay describes a map overlay of the panoramic image (the “street view panorama”). *Id.* Appellants argue Williamson discloses the orientation overlay, at most receives interactions which change the field-of-view parameters only with regards to zooming in/out of the map and panning along the map. *Id.* Appellants maintain Williamson fails to provide any disclosure relating to a “determination of whether a portion of at least one panoramic image is visible in the field-of-view based, at least in part, on the one or [more] parameters; and a rendering of another user interface element representing the portion of the at least on panoramic image that is visible in the field-of-view,” as claimed. *Id.* Appellants further argue Williamson describes the pie-shaped indicator as an overlay to the map which can always display the visible panoramic image, but Williamson does not disclose what would

“another user interface element.”

occur if the pie-shaped indicator is panned off the map, therefore, the claimed “determination of whether a portion of at least one panoramic image is visible” need not be made. *Id.*

The Examiner’s Answer does not respond to Appellants’ contention that Williamson fails to provide any disclosure relating to a “determination of whether a portion of at least one panoramic image is visible in the field-of-view”; nor Appellants’ contention that Williamson fails to disclose regarding the consequence of the “pie-shaped indicator” being panned off the map. Independent claims 1 and 11 contain similar limitations regarding the “determination” which the Examiner has not shown to be disclosed by Williamson. We therefore decline to sustain the rejection under 35 U.S.C. § 102.

CLAIMS 9 AND 19: OBVIOUSNESS OVER WILLIAMSON AND ADABALA.

The Examiner does not apply Adabala to the deficiencies identified in Williamson. Therefore, in view of the foregoing, we decline to sustain the rejection under 35 U.S.C. § 103.

DECISION

The rejection of Claims 1–20 and 49 as indefinite under 35 U.S.C. § 112 is REVERSED.

The rejection of Claims 1–8, 10–18, 20, and 49 under 35 U.S.C. § 102(b) is REVERSED.

The rejection of Claims 9 and 19 under 35 U.S.C. § 103(a) is REVERSED.

REVERSED