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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/622,936	09/19/2012	Ewout Brandsma	81422615 US03	5803

65913 7590 11/02/2016
Intellectual Property and Licensing
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EXAMINER
AKHTER, SHARMIN

ART UNIT	PAPER NUMBER
2682	

NOTIFICATION DATE	DELIVERY MODE
11/02/2016	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte EWOUT BRANDSMA,
MAARTEN CHRISTIAAN PENNINGS, ALY AAMER SYED,
TIMO VAN ROERMUND, RUUD HENDRICKSEN, and
OSWALD MOONEN

Appeal 2015-007505
Application 13/622,936
Technology Center 2600

Before ROBERT E. NAPPI, CATHERINE SHIANG, and ALEX S. YAP, *Administrative Patent Judges*.

YAP, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants[1] appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1–4 and 7–21, which are all the claims pending in this application.[2] We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

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[1] According to Appellants, the real party in interest is NXP B.V. (App. Br. 1.)
[2] Claims 5 and 6 were cancelled previously. (App. Br. 17.)

STATEMENT OF THE CASE

Introduction

Appellants' invention relates to a system and method "for commissioning devices." (Sept. 19, 2012 Specification ("Spec.") 1.) Claim 1 is illustrative, and is reproduced (with minor formatting changes) below:

> 1. A system for commissioning devices, the system comprising:
>
> a first device comprising an RFID tag and a host processor; and
>
> a second device;
>
> wherein the second device is configured to generate an electromagnetic field,
>
> the RFID tag is configured to detect the electromagnetic field and wake up the host processor upon detecting said electromagnetic field in order for the second device to communicate with the host processor,
>
> the RFID tag comprises a tag controller which is configured to send a wake-up signal to the host processor in order to wake up the host processor only when data are read from and/ or written to a predetermined area of memory.

Prior Art and Rejections on Appeal

The following table lists the prior art relied upon by the Examiner in rejecting the claims on appeal:

Dua	US 2006/0258289 A1	Nov. 16, 2006
Connors et al. ("Connors")	US 7,250,695 B2	July 31, 2007
Hulvey	US 2008/0143487 A1	June 19, 2008
Matson et al. ("Matson")	US 2009/0298555 A1	Dec. 3, 2009

Carr	US 2010/0231407 A1	Sept. 16, 2010
Brown et al. ("Brown")	US 2013/0002398 A1	Jan. 3, 2013

Claims 1, 2, 7, 9, and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hulvey. (*See* Final Office Action (mailed Nov. 19, 2014) ("Final Act.") 2–4.)

Claims 19 and 20 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Connors. (*See* Final Act. 4–5.)

Claims 3, 4, 11, and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hulvey in view of Dua. (*See* Final Act. 5–7.)

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hulvey in view of Carr. (*See* Final Act. 7.)

Claims 13–15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hulvey in view of Brown. (*See* Final Act. 8–9.)

Claims 16–18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hulvey in view of Matson. (*See* Final Act. 9–10.)

ANALYSIS

We have reviewed the Examiner's rejections in light of Appellants' arguments that the Examiner has erred. We are not persuaded that the Examiner erred in rejecting claims 1–4 and 7–20.

Claims 1–4 and 7–18

With respect to claim 1, the Examiner finds that Hulvey anticipates the claim. (Final Act. 2–3, 11.) Specifically, the Examiner finds that:

> the RFID tag [in Hulvey] is configured to detect the electromagnetic field and wake up the host processor upon detecting said electromagnetic field in order for the second device to communicate with the host processor (Hulve[y], Para. 20, by providing a wake up/interrupt signal, the RFID tag allows other portions of a system to remain in a low-power "sleep mode until the user wakes the device by reading the RFID tag["]), the RFID tag comprises a tag controller which is configured to send a wake-up signal to the host processor in order to wake up the host processor (Hulve[y], Para. 21, After the read of the RFID tag 120 has taken place, RFID tag 120 would then generate an interrupt signal on signal line 150) *only when data are read from and/or written to a predetermined area of memory* (Hulve[y], Para. 21, After the read of the RFID tag 120 has taken place, RFID tag 120 would then generate an interrupt signal on signal line 150).

(*Id.*, emphasis added.) Appellants disagree and contend that:

> While paragraph [0021] of Hulvey may disclose a "read of RFID tag 120," Hulvey is silent regarding use of a **predetermined** area of memory. Thus, Hulvey cannot anticipate independent claims 1 and 9.
>
> [Moreover,] the Examiner has failed to consider the actual claim language. The predetermined area of memory is claimed in the context of waking up the host processor **only when** data are read from and/or written to a **predetermined** area of memory.
>
> . . . Appellant respectfully submits that Hulvey is silent regarding sending a wake-up signal **only when** data are read from and/ or written to a **predetermined** area of memory. Hulvey lacks any disclosure of such an area of memory on RFID tag 120.

(App. Br. 5, emphasis in original; Reply 1–3.)

Appellants have not persuaded us that the Examiner erred. We agree with the Examiner's finding that Hulvey discloses the limitation at issue.

(Final Act. 2–3, 11; Ans. 3.) For example, we agree with the Examiner's finding that:

> [a]fter the read[ing] of the RFID tag's memory has taken place, [the] RFID tag would then genera[t]e an interrupt signal on signal line 150 to wake up the system and in order for a reader to read data from a memory, it has to [read from a predetermined area of] memory.

(Ans. 3.) Furthermore, we observe that Hulvey discloses a wake-up signal (i.e., the interrupt signal on signal line 150) is sent *only when data is read* from a predetermined area of memory. (Hulvey ¶ 21 ("*After the read of RFID tag* ***120*** *has taken place*, RFID tag **120** would then generate an interrupt signal on signal line 150."), italics added.)

For the foregoing reasons, we are not persuaded of Examiner error in the rejection of claim 1. Thus, we sustain the 35 U.S.C. § 102 rejection of claim 1, as well as claims 2, 7, 9, and 10, which are not argued separately. (App. Br. 6–7.) The Examiner cites additional references for the obviousness rejection of claims 3, 4, 8, and 11–18. The Examiner relies on Hulvey in the same manner discussed above in the context of claim 1, and does not rely on the additional materials in any manner that remedies the deficiencies of the underlying anticipation rejection. We therefore also sustain the 35 U.S.C. § 103 rejections of dependent claims 3, 4, 8, and 11–18, which are also not argued separately. (*Id.* at 11–14)

Claim 19

Claim 19 recites that the "the host processor [is awaken] by means of a *separate* wake-up circuit." (Emphasis added.) The Examiner finds that Connors discloses a separate wake-up circuit, Power Control Circuit 116 for

waking up the host processor, Circuitry 112. (Final Act. 4, 11; Ans. 3; Connors 4:41–63, FIG. 1.) Appellants, however, disagree and contend that:

> lines 43–44 of col. 4 actually disclose "controlling the power control circuit 116 to enter the power-on state." Power control circuit 116 is not equivalent to the claimed host processor. Instead, *116 is a switch for power source 114*.
>
> . . .
>
> Appellant respectfully submits that both 112 and 116 are part of device 110. The references of record are silent regarding the recited configuration to **<u>wake up the host processor</u>** by means of a **<u>separate</u>** wake-up circuit.

(Reply 3, italics added, bolding and underlining in original.) In other words, Appellants contend that Power Control Circuit 116 is not a separate circuit and is also not a wake-up circuit because it is merely a switch. Appellants have not persuaded us that the Examiner erred. With regard to Appellants' contention that Power Control Circuit 116 (*i.e.*, wake-up circuit) is not a separate circuit from Circuitry 112 (*i.e.*, host processor), Figure 1 of Connors (reproduced below) shows otherwise (*i.e.*, the Power Control Circuit 116 is separate from Circuitry 112). Figure 1 of Connors is reproduced below.

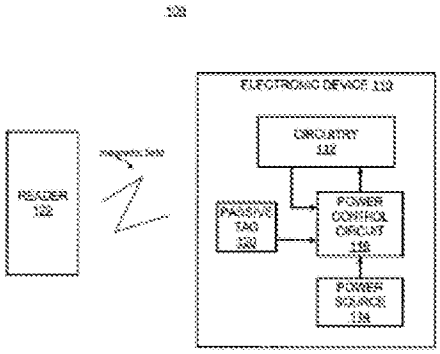

FIG. 1

Figure 1 depicts an embodiment of the invention in Connors. Appellants do not explain why Power Control Circuit 116 is not a separate circuit from Circuitry 112 other than stating that "both 112 and 116 are part of device 110." (Reply 3.) Appellants' assertion in this regard, does not address the specific findings by the Examiner, and is mere attorney argument, a conclusory statement, which is unsupported by factual evidence. Thus, this argument is entitled to little probative value. *In re Lovin*, 652 F.3d 1349, 1357 (Fed. Cir. 2011) ("[W]e hold that the Board reasonably interpreted Rule 41.37 to require more substantive arguments in an appeal brief than a mere recitation of the claim elements and a naked assertion that the corresponding elements were not found in the prior art."); *In re Geisler*, 116 F.3d 1465, 1470 (Fed. Cir. 1997); *In re De Blauwe*, 736 F.2d 699, 705 (Fed. Cir. 1984). Furthermore, the Specification also show wake-up circuit 500 and host processor 116 as part of first device 100. (*See, e.g.*, Spec. Fig. 5.)

With regards to Appellants' contention that Power Control Circuit 116 is not a wake-up circuit, Appellants do not explain why a power switch, as Appellants contend, cannot be a wake-up circuit as claimed. We agree with the Examiner's finding that Power Control Circuit 116 is a wake-up circuit as claimed because it turns on Circuitry 112 when an electromagnetic field is detected. (Final Act. 4, 11; Ans. 3; Connors Fig. 1; 4:41–63, FIG. 1.)

For the foregoing reasons, we are not persuaded of Examiner error in the rejection of claim 19. Thus, we sustain the 35 U.S.C. § 102 rejection of claim 19.

Claim 20

Claim 20 recites that the "separate wake-up circuit shares an antenna coil with the RFID tag." The Examiner finds that Connors discloses a wake-up circuit that shares an antenna coil with the RFID tag. (Final Act. 4, 11; Ans. 3; Connors 3:51–66, FIGs. 1, 2.) According to the Examiner, "antenna 210 is in communication with power control circuit 116. . . . [a]nd as shown in Fig. 2, it's clear that power control circuit 116 is indirectly in communication with the antenna 210, therefore the tag 120 shares the antenna 210 with the power control circuit 116." (Ans. 4.) Appellants, however, disagree and contend that:

> Connors lacks a wake-up circuit sharing an antenna coil with an RFID tag.
>
> On page 11, the final Office Action further alleged that "power control circuit 116 is indirectly in communication with the antenna 210." In response, Appellant respectfully submits that Connors lacks a **separate** wake-up circuit. Thus, Connors also cannot disclose an antenna coil that is shared by both the RFID tag and the **separate** wake-up circuit.

(App. Br. 10, emphasis in original; Reply 3–4.)

We are not persuaded of Examiner error in the rejection of claim 20. As discussed above, we agree with the Examiner that the wake-up circuit is a separate circuit. Thus, we sustain the 35 U.S.C. § 102 rejection of claim 20.

DECISION

We affirm the decision of the Examiner to reject claims 1–4 and 7–20.

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