



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO., EXAMINER, ART UNIT, PAPER NUMBER, NOTIFICATION DATE, DELIVERY MODE. Includes application details for HP Inc. and examiner MAMO, ELIAS.

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

- ipa.mail@hp.com
barbl@hp.com
yvonne.bailey@hp.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ROBERT FRANCIS YOCKEY,
ROBERT ADAM BAUM, DAVID H. HANES, and RUDY WIDIAMAN

Appeal 2015-007512
Application 13/870,848
Technology Center 2100

Before JUSTIN BUSCH, JOHN P. PINKERTON, and ALEX S. YAP,
Administrative Patent Judges.

YAP, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellants¹ appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1–20, which are all the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ According to Appellants, the real party in interest is Hewlett-Packard Development Company, L.P. (App. Br. 1.)

STATEMENT OF THE CASE

Introduction

Appellants' invention relates to configuring "one or more physical characteristics of a peripheral device . . . according to the identity of a user of a primary device, such as a computing device." (Apr. 25, 2013 Specification ("Spec.") ¶ 8.) Claim 8 is representative and is reproduced below:

8. A method, comprising:
determining an identity of a user of a primary device;
determining user preferences associated with user; and
controlling an actuator to configure a physical characteristic of a peripheral device in communication with the primary device in accordance with the user preferences associated with the determined identity of the user.

Prior Art and Rejections on Appeal

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

Huang	US 2003/0197682 A1	Oct. 23, 2003
Moore et al. ("Moore")	US 2005/0083645 A1	Apr. 21, 2005
Burns et al. ("Burns")	US 7,117,369 B1	Oct. 3, 2006

Claims 1–4, 8–10, and 15–18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Huang in view of Burns. (*See* Final Office Action (mailed Nov. 6, 2014) ("Final Act.") 2–4.)

Claims 5–7, 11–14, and 19–20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Huang in view of Burns, and further in view of Moore. (*See* Final Act. 4–5.)

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 1–20.

Claims 1–5 and 7–20

With respect to claim 8,² the Examiner finds that:

Huang [teaches or suggests the last limitation of claim 8 but] does not teach determining an identity of a user of a primary device; and determining user preferences associated with the determined identity of the user.

On the other hand, Burns teaches a method and system for determining an identity of a user of a primary device; and determining user preferences associated with the determined identity of the user (col. 3, lines 28-36).

(Final Act. 3.) Appellants disagree and contend that:

Burns merely discloses storing user profiles in a portable smart card. As disclosed by Burns, such user profiles are used for storing various “operating characteristics” that may be used by an operating system to configure a computer. Operating

² The November 6, 2014, Final Action addresses claim 8, but the Examiner states that independent “claims 1[] and 15 [] are substantially similar to claim[] 8[], hence the rejection of claim[] 8[is] applied accordingly.” (Final Act. 4.) Appellants in their February 6, 2015 Appeal Brief address claim 1, but state that “[i]ndependent claims 8 and 15 each recite a similar feature” for the limitation at issue. (App. Br. 6.) To avoid confusion, we address claim 1 in this Decision, which will also apply to claims 8 and 15.

characteristics may include user interface schema, favorite lists, etc. See Burns, col. 1, lines 19-21. Thus, as disclosed in Burns and as is common in the field, user profiles are used to configure software characteristics of a computer.

To the contrary, examples of Applicant's disclosure provide for the configuration of a "physical characteristic", such as a size of a mouse or various physical characteristics of a keyboard. *There is no teaching or suggestion in Burns of using the user profiles to store any physical characteristics.*

(App. Br. 6, emphasis added; *see also* Reply 2 ("There is no mention of any physical characteristics in the cited portion of Burns. Instead, . . . Burns merely discloses storing of various 'operating characteristics.'")) The Examiner first responds that "Appellants are pointing to different paragraphs of Burns that [were] not relied upon in the rejection of the claims." (Ans. 3.) According to the Examiner, Burns teaches or suggests "determining an identity of a user of a primary device; and determining user preferences associated with the determined identity of the user." (Final Act. 3.)

Specifically, the Examiner points to a paragraph of Burns, which discloses:

The profile carrier 54 stores a user's profile in a secured medium that can be conveniently transported. The profile consists of user information that can be used to configure computer 52 according to selected preferences and schema of the user. The profile contains essentially all of the information that is useful or personal to the user. For instance, a profile might include a user's name, logon identity, access privileges, user interface preferences (i.e., background, layout, etc.), mouse control preferences (i.e., click speed, etc.), favorites lists, personal address book, the latest electronic mail (sorted according to user criteria) and so forth. One can also envision that application tokens or keys can be stored on the carrier, and that will allow the user to access or use the applications for which he/she has tokens or keys.

(Burns, 3:28–42.) The Examiner further explains that

[r]egarding configuration of physical characteristics, the Examiner cited Huang - the primary reference. Huang teaches controlling of a nozzle to adjust/regulate air flow into a mouse thereby increasing/decreasing the size of a computer mouse according to the user's need. . . . The secondary reference (i.e. - Burns) is cited as teaching determining identity of a user and the user's preference that are stored in the computer so that the stored preferences are used to configure a peripheral such as mouse.

(Ans. 3–4.) In other words, it is “the combined teachings of Huang and Burn[s] [that] teach[es or suggests] the claimed invention.” (Ans. 4.)

Appellants have not persuaded us that the Examiner erred. We agree with the Examiner's finding that Huang in view of Burns teaches or suggests the limitations at issue. (Final Act. 2–3; Ans. 2–3.) Moreover, “one cannot show non-obviousness by attacking references individually where, as here, the rejections are based on combinations of references.” *See In re Keller*, 642 F.2d 413, 426 (CCPA 1981); *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986).

The Examiner also finds that one of ordinary skill in the art would have been motivated to combine the teachings of both references “to retain the user's profile and use the same setup when the mouse is connected to different computers.” (Final Act. 3.) Appellants further contend that

it is unreasonable to conclude that one of ordinary skill in the art would combine the references as alleged by the Examiner [because] Burns does not relate to configuration of physical characteristics. [Instead,] Burns merely attempts to solve the problem of availability of user profiles by providing user profiles on a portable smart card. There is no attempt in Burns at addressing configuration of physical characteristics based on a user's identity, as solved by examples of Appellant's [sic] disclosure.

(App. Br. 7–8.) We are, however, not persuaded that Appellants have shown the Examiner erred. We find that the Examiner provides sufficient articulated reasoning having a rational underpinning, such that a person of ordinary skill in the art would have been motivated to combine the teachings of Huang and Burns. (*Id.*) See *KSR Int’l Co., v. Teleflex, Inc.*, 550 U.S. 398, 415, 418 (2007).

For the foregoing reasons, we are not persuaded of Examiner error in the rejection of claim 8. Thus, we sustain the 35 U.S.C. § 103 rejection of claim 8, as well as independent claims 1 and 15, which are not argued separately. (App. Br. 5–6.) We also sustain the 35 U.S.C. § 103 rejections of claims 2–5, 7, 9–12, 14, and 16–19, which depend on either claims 1, 8, or 15 and are not argued separately. (App. Br. 4–8.)

Claim 6, 13, and 20

Claims 6, 13, and 20 recite “wherein the physical characteristic is at least *one of a split angle or a tenting angle.*” (Emphasis added.) The Examiner finds that:

Moore teaches a pop-up keyboard with slope adjustment at any desired angle (see fig. 2, the split angle formed by a tented/sloped keyboard), wherein a motor can be used for positioning or adjusting the keyboard peripheral/user device (page 2, ¶26 and ¶22, lines 8-10).

(Final Act. 4, emphasis added.) Appellants, however, contend that:

As described in Appellant’s disclosure, *a split angle is described as an angle separating various keyboard segments.* For example, with reference to Figure 5A (reproduced below), Appellant’s disclosure descr[ib]es moving “the keyboard segments 510, 520 on the keyboard base 599 to configure the split angle 530 in accordance with the user preferences.” Specification, paragraph [0026].

...

Further, Appellant's disclosure *describes a tenting angle as an angle varied by raising or lowering the inside edges of the keyboard segments.*

(App. Br. 8–9, emphases added.) According to Appellants, Moore neither teaches nor suggests a split angle or tenting angle as claimed because the tenting angle in Moore does not raise or lower on the inside edges of the keyboard segments, similar to the example in the Specification. (App. Br. 10–11; Reply 3–5.)

Appellants' argument is unpersuasive because it is not commensurate with the scope of the claims. For example, Appellants' argument suggests that claims 6, 13, and 20 require, without support in the claim language, that split angle and tenting angle be restricted to the embodiment in the Specification. Moreover, Appellants have not offered persuasive argument that the Examiner's interpretation is either overbroad or unreasonable. (Ans. 5; Final Act. 4–5.) *See In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989) (holding that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims). Further, we agree with the Examiner's finding that "Moore teaches a pop-up keyboard with slope adjustment at any desired tenting angle." (Ans. 5; Moore ¶¶ 22, 26, FIG. 2.)

For the foregoing reasons, we are not persuaded of Examiner error in the rejection of claims 6, 13, and 20. Thus, we sustain the 35 U.S.C. § 103 rejection of claims 6, 13, and 20.

Appeal 2015-007512
Application 13/870,848

DECISION

The decision of the Examiner to reject claims 1–20 is affirmed.

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