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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ROBERT H. BROCKELSBY

Appeal 2015-007521
Application 13/235,249¹
Technology Center 2600

Before CAROLYN D. THOMAS, JEFFREY S. SMITH, and
TERRENCE W. MCMILLIN, *Administrative Patent Judges*.

MCMILLIN, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) of the Final Rejection of claims 1–20. Final Act. 1. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ According to Appellant, the real party in interest is Honeywell International, Inc. (App. Br. 2).

REJECTIONS ON APPEAL

Claims 1, 3–8, 10–17, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Packer et al. (US 2010/0008512 A1, published Jan. 14, 2010), Matsui (US 6,268,773 B1, issued July 31, 2001), and Knutson et al. (US 2009/0174823 A1, published July 9, 2009). Final Act. 4–11.

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Packer, Matsui, Knutson, and Heck et al. (US 5,584,869, issued Dec. 17, 1996). Final Act. 12.

Claims 9, 18, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Packer, Matsui, Knutson, and Curran et al. (US 2009/0153339 A1, published June 18, 2009). Final Act. 12–13.

THE CLAIMED INVENTION

The present invention generally relates to “supervision of audio paths of emergency communications systems,” and more particularly to “systems and methods to supervise components of audio input paths.” Spec. ¶ 2. Independent claim 1 is directed to an apparatus; independent claim 10 is directed to a supervisory module; independent claim 15 is directed to a supervisory method. App. Br. 13, 14, 16.

Claim 1 recites:

1. An apparatus comprising:

control circuits coupled to an audio output transducer and a microphone, where the circuits detect the presence of signals from the microphone as indicative of expected operation thereof, and in the absence of such signals for a period of time greater than a first time interval and less than a second time interval, the circuits activate the transducer to produce a supervisory signal wherein the control circuits

respond to feedback signals from the microphone as indicative of expected operation thereof.

ANALYSIS

We have reviewed the Examiner's rejections in light of Appellant's arguments that the Examiner erred. We are not persuaded that Appellant identifies reversible error. Upon consideration of the arguments presented in the Appeal Brief and Reply Brief, we agree with the Examiner that all the pending claims are unpatentable over the cited combination of references. We adopt as our own the findings and reasons set forth in the rejection from which this appeal is taken and in the Examiner's Answer. We provide the following explanation to highlight and address specific arguments and findings primarily for emphasis.

Claims 1–20

Appellant contends Packer “is merely used for scaling amplification,” Matsui “has nothing to do with the testing of audio circuits,” and Knutson “is merely directed to audio equalization,” and that the references “are all directed to different inventions that are unrelated to the features of the claimed invention.” App. Br. 7–8. In response, the Examiner finds Appellant “does not specify as to the reasons why the . . . references fail to disclose the” claim limitations. Ans. 12. We agree with the Examiner.

Specifically, we agree with the Examiner's findings that Packer teaches a system that calls for a supervisory signal to be generated based on whether or not signals are picked up by a microphone; Matsui teaches a delay when a signal presence or absence is determined before a supervisory signal is sent out, and a predetermined time interval encompassing the delay

time; and Knutson teaches a period of time greater than a first time and less than a second time for the activation of a processing action. Ans. 12–13, citing Packer ¶ 202, Matsui, col. 1, ll. 53–59, and Knutson ¶ 39).

Appellant has not provided persuasive evidence or argument that “the circuits detect the presence of signals from the microphone as indicative of expected operation thereof, and in the absence of such signals for a period of time greater than a first time interval and less than a second time interval, the circuits activate the transducer to produce a supervisory signal” as required by claim 1, is not taught or otherwise suggested by Packer’s generation of a signal based on signal presence, Matsui’s generation of a signal based on signal presence during a time period, and Knutson’s activation of processing during a time period greater than a first time and less than a second time.

Appellant further contends “none of the cited references are directed to the problem solved by the claim invention” and thereby “there would be no reason to combine the references,” and the Examiner “has failed to establish any credible basis why one skilled in the art would have been led by the relevant teachings of the applied references to make the claimed invention.” App. Br. 11. However, “[i]n determining whether the subject matter of a patent claim is obvious, neither the particular motivation nor the avowed purpose of the patentee controls.” *KSR Intern. Co. v. Teleflex Inc.*, 550 U.S. 398, 420 (2007). In accordance with *KSR*, 550 U.S. at 418, the Examiner has provided “some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *See* Final Act. 5–6. Specifically, the Examiner finds it would have been obvious to modify and combine the references “for the purpose of making the overall system more efficient and dynamic.” Final Act. 6; Ans. 4. As Appellant has

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failed to acknowledge or address the Examiner's articulated reasoning, we are not persuaded the Examiner erred.

Accordingly, we sustain the § 103 rejection of claim 1, as well as the rejections of claims 2–20, not separately argued. *See* App. Br. 2, 6, 12.

DECISION

The rejections of claims 1–20 are 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