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EXAMINER
SWARTHOUT, BRENT

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte BRIAN E. TUCKER

Appeal 2015-007795
Application 13/597,717
Technology Center 2600

Before JOSEPH L. DIXON, JENNIFER L. McKEOWN, and JOYCE CRAIG, *Administrative Patent Judges*.

DIXON, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant[1] appeals under 35 U.S.C. § 134(a) from a rejection of claims 1–23. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

The claims are directed to a long and short range storage and transmission system on aircraft parts. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A rotorcraft, comprising:

a body;

a power train coupled to the body and comprising a power source and a drive shaft coupled to the power source;

a hub;

a rotor blade coupled to the hub;

an aircraft part; and

an aircraft part storage system comprising:

a first storage device coupled to the aircraft part and operable to store and transmit a first set of information identifying the aircraft part; and

a second storage device coupled to the same aircraft part and operable to store and transmit a second set of information about the aircraft part, the second storage device having a larger storage capacity than the first storage device but a shorter transmission range than the first storage device.

[1] Appellant indicates that Bell Helicopter Textron Inc. is the real party in interest. (App. Br. 3).

REFERENCES

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Coop et al.	US 2007/0114280 A1	May 24, 2007
Darling et al.	US 8,547,230 B1	Oct. 1, 2013
Maruyama	EP 1801734A1	June 27, 2007

Claire Swedberg, *Boeing to Launch RFID Program for Airlines in February*, RFID Journal (Boeing) pp.1–3
http://www.rfidjournal.com/articlelview/9107

Claire Swedberg, *Eurocopter Approves RFID System for Its Aircraft,* RFID Journal (Eurocopter) pp.1–4
http://www.rfidjournal.com/articlelview/9368

REJECTIONS

The Examiner made the following rejections:

Claims 1, 2, 6–18, 20, 22, and 23 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over RFID Journal (Eurocopter Approves RFID System for Its Aircraft) in view of Maruyama, Coop, and Darling. Final Act. 2–4.

Claims 3–5, 19, and 21 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over RFID Journal (Eurocopter) in view of Maruyama, Coop, Darling, and RFID Journal (Boeing to Launch RFID Program for Airlines in February). Final Act. 4–6.

ANALYSIS

Appellant contends "[t]he Examiner attempts to reconstruct these claimed features by using Applicants' claims as a blueprint, but these efforts fail to establish a *prima facie* case of obviousness." (App. Br. 10).

Appellant further contends that the individual differences in the prior art references "show that the cited art, when taken as a whole, do not teach, disclose, or suggest providing two different storage devices associated and coupled to the same aircraft part and storing/transmitting different sets of information about that same aircraft part.)." (App. Br. 10).

Appellant presents arguments directed to the four references relied upon by the Examiner in the obviousness rejection, and Appellant emphasizes the individual differences between each of the four references. (App. Br. 10–14).

The Examiner maintains:

> The references disclose the well-known concepts of using first and second storage devices with different storage capabilities and different transmission ranges for use with articles and parts, and one of ordinary skill in the art would have found it advantageous to use such elements in a part storage system as disclosed by Eurocopter, for the reasons presented in the Final rejection, namely capability to continually access tag data even when short range reader was out of range, capability to store different amounts of data, and capability to control power savings depending on the type of storage device used.
>
> The combination of these known storage/tag features would have yielded the predictable results as stated above, when used in an aircraft part storage system, as opposed to any other type of part/article tag storage system, namely, allowing a user remote from the part/tag to obtain data pertaining to the part/tag.

(Ans. 6). The Examiner generally relies upon the teachings of the Eurocopter reference to teach or suggest the use of RFID tags for monitoring a rotocraft aircraft parts. (Final Act. 2). While the Eurocopter reference discloses the individual use of RFID tags to individual parts, the Maruyama reference was relied upon to teach or suggest the well-known use of the two

memories or storage devices storing ID and various information and to a different transmission ranges with in an individual RFID tag. (Final Act. 2, Ans. 4 (citing Maruyama Fig.1, ¶ 5)). We further find the Maruyama reference in paragraph 8 discloses the problem to be solved by the invention ("a single RFID tag includes two types of RFID tag sections, and a long range RFID tag section is necessary.")

While the Examiner generally cites to the background of the Maruyama reference, we find that the general teachings of Maruyama evidence the well-known use of two memories in specific embodiments to solve the problem identified in paragraph 8, which uses two separate tag sections with two memories. The Maruyama reference discloses the use of one memory for the identification tag section and one memory for the information management tag section (*see* figures 9 and 10).

The Examiner furthers explains the Maruyama reference in the response to arguments (Ans. 4, 5, 6). The Examiner concludes:

> The references disclose the well-known concepts of using first and second storage devices with different storage capabilities and different transmission ranges for use with articles and parts, and one of ordinary skill in the art would have found it advantageous to use such elements in a part storage system as disclosed by Eurocopter, for the reasons presented in the Final rejection, namely capability to continually access tag data even when short range reader was out of range, capability to store different amounts of data, and capability to control power savings depending on the type of storage device used.
>
> The combination of these known storage/tag features would have yielded the predictable results as stated above, when used in an aircraft part storage system, as opposed to any other type of part/article tag storage system, namely, allowing a user remote from the part/tag to obtain data pertaining to the part/tag.

Appellant contends that Maruyama teaches the transmission of the same information from two memories for the sole purpose of determining tag location. (Reply Br. 4). We find Appellant's position is based upon a too narrow interpretation of the teachings of the Maruyama reference, one based solely upon the background discussion rather than the two embodiments disclosed in the remainder of the publication disclosure. Moreover, Maruyama teaches the determination of location and reading of stored data in the information management tag section as two separate functions. (Maruyama ¶¶ 81–89).

Appellant further contends that the two memories for other than location determination would be inoperable. *Id.* at 5. We disagree with Appellant and find that the complete disclosure of the Maruyama reference evidences the use of two memories for different types of data. (*See* Maruyama ¶¶ 7, 11 initial discussions of: 1) article identification tag section and 2) article information management tag section.)

Moreover, non-obviousness cannot be established by attacking references individually where, as here, the ground of unpatentability is based upon the teachings of a combination of references. *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986). Rather, the test for obviousness is whether the combination of references, taken as a whole, would have suggested the patentee's invention to a person having ordinary skill in the art. *In re Keller*, 642 F.2d 413, 425 (CCPA 1981). Additionally, the combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results. *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 416 (2007).

With respect to Appellant's arguments regarding the Coop reference and the two separate capacities of the two memories (App. Br. 17), we agree with the Examiner that Coop teaches the use of different capacities of memory for different types of data. (Ans. 5). Additionally, we find the Maruyama reference teaches the use of two separate memories where the two memories store different types and quantities of data and additionally where one memory is reclaimed/reused as a cost savings. (Maruyama ¶¶ 15, 95, 99, 111, 116). Consequently, Appellant's general argument does not show error in the Examiner's findings or conclusion of obviousness.

With respect to Appellant's argument that the Maruyama reference teaches away from the proposed, combination and that the Examiner attempts to replace the actual teachings of the Maruyama reference with a fantasy version of the reference (App. Br. 18–19; Reply Br. 8–9), the Examiner finds that the references disclose the well-known concepts of using first and second storage devices with different storage capabilities and different transmission ranges and that the skilled artisans would have appreciated and combined the known capabilities. (Ans. 5–6).

Appellant has not established the Maruyama reference teaches away from the claimed invention because Appellant has not demonstrated that "a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant." *In re Gurley*, 27 F.3d 551, 553 (Fed Cir. 1994). Thus, we agree with the Examiner that one of ordinary skill in the art would have found the disputed limitations obvious to one of ordinary skill in the art at the time of the invention.

For these reasons, Appellant's arguments do not persuade us of error in the Examiner's factual findings or conclusion of obviousness of representative independent claim 1.

CONCLUSION

The Examiner did not err in rejecting representative independent claim 1, or claims 2–23, not separately argued.

DECISION

For the above reasons, we affirm the Examiner's decision to reject claims 1–23 based upon obviousness.

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