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ULMER & BERNE, LLP ATTN: DIANE BELL 600 VINE STREET SUITE 2800 CINCINNATI, OH 45202-2409			POPE, DARYL C	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte KENNETH ROBERT FRENCH, II, ANGELA ANN HUBER,
THOMAS PAUL REBEL, and GARY L. UTHE

Appeal 2015-007978
Application 13/437,551
Technology Center 2600

Before ELENI MANTIS MERCADER, CARL W. WHITEHEAD JR., and
ADAM J. PYONIN, *Administrative Patent Judges*.

Per Curiam.

DECISION ON APPEAL
STATEMENT OF THE CASE

This is a decision on appeal under 35 U.S.C. § 134(a) from the Final Rejection of claims 1–11, 14, and 15. Final Rejection 2.¹ We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ The Final Rejection indicates that claims 12 and 13 are rejected, but claims 12 and 13 were canceled in an amendment filed on March 3, 2014. The Final Rejection also incorporates by reference the Non-final Rejection mailed on September 3, 2013. *See* Final Rejection 2.

Introduction

Appellants' invention relates to "[a] security system having a portable monitoring device in communication with detection devices and notification systems to provide messages." Abstract.

Representative Claim (Disputed limitations emphasized)

1. A security system comprising:
 - a) a portable monitoring device comprising a user interface, wherein the user interface comprises at least one operative input and at least one scheduled input, wherein said operative input is associated with a first indicator and said scheduled input is associated with a second indicator, wherein the first indicator and the second indicator inform a user whether said inputs are active;
 - b) at least one detection device, wherein said operative input is associated with said detection device; and
 - c) at least one notification device, wherein said notification device is configured to communicate with the portable monitoring device, *wherein a predetermined message is transmitted from the portable monitoring device directly to the notification device upon activation of said detection device.*

Rejection on Appeal

Claims 1–11, 14, and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kail (US 5,959,529; September 28, 1999). Final Rejection 2.

ANALYSIS

Rather than reiterate the arguments of Appellants and the Examiner, we refer to the Non-Final Rejection (mailed September 3, 2013), the Final Rejection (mailed March 13, 2014), the Appeal Brief (filed December 15,

2014), and the Answer (mailed June 29, 2015) for the respective details. We have considered in this decision only arguments Appellants actually raised in the Briefs.

We have reviewed the Examiner's rejections in light of Appellants' arguments that the Examiner has erred. We adopt as our own (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken and (2) the reasons set forth by the Examiner in the Examiner's Answer in response to Appellants' Appeal Brief, except where noted.

Appellants argue Examiner error because "Kail fails to generally teach any of directly communicating, transmitting or receiving a message from a portable device to at least one notification device." Appeal Brief 11. Appellants contend "Kail does not directly communicate with a notification device (e.g., two-way radio), but rather sends all communications from the portable monitoring unit 12 to the central monitoring unit 14 before notifying or alerting a notification device." Appeal Brief 11.

We are not persuaded by Appellants' arguments. The Examiner finds, and we agree, that in Kail, "the combination of the Central Monitoring Device (14) --which comprises Terminal (52)-- and Display (54) together [are] to be construed as the claimed 'notification device,'" with support found in Kail's disclosure that "[t]he central monitoring device includes the second terminal of the communications device that permits it to . . . display the processed data to an operator of the central monitoring device." Answer 3-4 (quoting Kail 3:8-14). The Examiner then finds, and we agree, that "according to Fig. 1 of Kail, there are no intervening devices separate from the communication link 16 between apparatus 10 and such 'notification

device’ (comprising central monitoring device 14 and display 54), and therefore the communication is considered a ‘direct’ communication as claimed.” Answer 4. Appellants have not persuasively provided arguments or technical evidence to challenge the Examiner’s findings. *See, e.g., In re Geisler*, 116 F.3d 1465, 1470 (Fed. Cir. 1997) (attorney arguments or conclusory statements are insufficient to rebut a prima facie case).

Therefore, we sustain the Examiner’s obviousness rejection of independent claim 1, as well as independent claims 14 and 15 commensurate in scope, and claims 2–11 not separately argued. *See* Appeal Brief 11.

DECISION

We affirm the Examiner’s rejection of claims 1–11, 14, and 15.

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