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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ARUNKUMAR KAMALAKANNAN

Appeal 2016-000333
Application 13/869,789[1]
Technology Center 2600

Before CARLA M. KRIVAK, HUNG H. BUI, and JOHN F. HORVATH, *Administrative Patent Judges*.

BUI, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellant seeks our review under 35 U.S.C. § 134(a) of the Examiner's Final Office Action rejecting claims 7–11 and 21–29, which are all of the claims pending on appeal. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.[2]

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[1] According to Appellant, the real party in interest is Honeywell International Inc.

[2] Our Decision refers to Appellant's Appeal Brief filed June 29, 2015 ("App. Br."); Reply Brief filed Sep. 30, 2015 ("Reply Br."); Examiner's Answer mailed Sep. 8, 2015 ("Ans."); Final Office Action mailed Apr. 9, 2015 ("Final Act."); and original Specification filed Apr. 24, 2013 ("Spec.").

STATEMENT OF THE CASE

Appellant's invention relates to "a placement tool for RF devices" that "can aid the RF installer to find new locations for RF devices [that will provide structural support, sufficient RF coverage and the ability to communicate with other RF devices] when the originally planned locations are unsuitable." Spec. ¶¶ 1, 4–5; Abstract.

Claims 7 and 22 are independent. Claim 7 is illustrative of Appellant's invention, as reproduced with disputed limitations emphasized below:

> 7. A method comprising:
>
> determining the feasibility of installing a first RF device at a first location inside a *first bounded placement region* in a map of a site, wherein the *first bounded placement region* is a first area on the map that is projected to provide suitable RF connectivity other RF devices on the map;
>
> installing the first RF device at the first location in the *first bounded placement region* when installation at the first location is feasible; and
>
> installing the first RF device at a second location inside the *first bounded placement region* when installation at the first location is not feasible.

App. Br. 12 (Claims App'x.).

Examiner's Rejection and References

Claims 7–11 and 21–29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rappaport et al., (US 7,096,173 B1; issued Aug. 22, 2006; "Rappaport") and Kalika et al., (US 2007/0054670 A1; published Mar. 8, 2007; "Kalika"). Final Act. 2–11.

ISSUE

Based on Appellant's arguments, the dispositive issue presented on appeal is whether the Examiner erred in finding the cited prior art teaches or suggests the use of "bounded placement regions" as recited in the claims to provide discretion for installers as to where in the areas to install one or more RF devices. App. Br. 8–10; Reply Br. 2–3.

ANALYSIS

We have reviewed the Examiner's rejections in light of Appellant's arguments the Examiner erred. App. Br. 8–10; Reply Br. 2–3. We are unpersuaded by Appellant's contentions that the Examiner erred. As such, we adopt as our own the findings and reasons set forth by the Examiner in the action from which this appeal is taken and as set forth by the Examiner in the Examiner's Answer in response to Appellant's Appeal Brief. *See* Ans. 2–3. However, we highlight and address specific arguments and findings for emphasis as follows.

Appellant contends the Examiner erred in rejecting independent claims 7 and 22, because the cited art, including Rappaport and Kalika, "does not describe '<u>bounded placement regions</u>' as used in the claims." App. Br. 8 (emphasis added). According to Appellant,

> [t]he bounded placement regions 354, 358 shown in FIG. 3 of Applicant figures and described in the specification relative to FIG. 3 are *areas* on the map 300 where RF devices may be located to provide adequate RF coverage for each RF device 340, 342, 344, 346, 348, 350 on the map 300. These bounded placement regions 354, 358 (i.e., areas) provide discretion for installers as to where in the areas to install one (or more) RF devices 348, 350 while providing provide adequate RF coverage for each RF device 340, 342, 344, 346, 348, 350 on the map 300.

Id. at 8.

In particular, Appellant argues "Rappaport only describes a designer using software to instantaneously move components around from specific location to specific location *without any reference* to bounded placement regions that would provide an installer with discretion." *Id*. at 9 (citing Rappaport 9:26–32, 10:6–11). In contrast, "Appellant's method gives an installer discretion to install *RF devices* 348, 350 within bounded placement regions 354, 358 as recited in the claims." *Id*.

Likewise, Appellant argues "Kalika only describes a designer using software to instantaneously move components around from specific location to specific location without any reference to bounded placement regions that provide an installer with discretion" and, as such, does not describe any "bounded placement regions" or provide any "discretion for installers as to where to install one (or more) *RF devices* once an installer is at the job site without the software." *Id*. at 10.

We find Appellant's arguments unpersuasive for not being commensurate with the scope of the claims. Although the claims are interpreted in light of the Specification, limitations from the Specification are not read into the claims. *See In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993). As correctly recognized by the Examiner, "the claims do not require any determination of the [bounded] placement regions." Ans. 2. Nor is the term "bounded placement regions" defined anywhere in Appellant's Specification. Instead, Appellant's claims 7 and 22 simply require installing or placing an RF device at a particular location within a bounded placement region if installation at that particular location is feasible. According to Appellant's Specification, these "bounded placement

regions" can be any regions on a map where an RF device can be installed to achieve sufficient coverage. Spec. ¶ 24.

Contrary to Appellant's arguments, the cited prior art, including Rappaport and Kalika, teaches the use of "bounded placement regions" where an RF device can be installed to achieve sufficient coverage. For example, Rappaport describes installation of a base station 110 at a specific location on a building floor, shown in Figure 11. Rappaport 16:16–24, Fig. 11. Similarly, Kalika describes installation of access points (APs) in a wireless local area network (WLAN) at a specified area (i.e., bounded placement region). Kalika ¶¶ 30–33.

Separately, we note that common sense, common wisdom, and common knowledge have "long been recognized to inform the analysis of obviousness if explained with sufficient reasoning." *See Perfect Web Techs., Inc. v. InfoUSA, Inc.*, 587 F.3d 1324, 1329 (Fed. Cir. 2009). In particular, common sense or common knowledge can be invoked to provide a suggestion or motivation to combine or modify a prior art reference. *See DyStar Textilfarben GmbH & Co. Deutschland KG v. C.H. Patrick Co.*, 464 F.3d 1356, 1360 (Fed. Cir. 2006). The "use of common sense does not require a 'specific hint or suggestion in a particular reference,' only a reasoned explanation that avoids conclusory generalizations." *Perfect Web*, 587 F.3d at 1329 (quoting *DyStar*, 464 F.3d at 1366); *see also Plantronics, Inc. v. Aliph, Inc.*, 724 F.3d 1343, 1354 (Fed. Cir. 2013) ("the mere recitation of the words 'common sense' without any support adds nothing to the obviousness equation."); *Ball Aerosol & Specialty Container, Inc. v. Ltd. Brands, Inc.*, 555 F.3d 984, 993 (Fed. Cir. 2009) ("the analysis that 'should

be made explicit' refers not to the teachings in the prior art of a motivation to combine, but to the court's analysis.").

Based on the additional teachings of Rappaport and Kalika regarding the use of a map or floor layout to determine the best location for installation of RF devices, we conclude an ordinarily skilled artisan would have found it obvious to install these RF devices at locations to achieve sufficient coverage in the manner recited in Appellant's claims 7 and 22.

For the reasons set forth above, Appellant has not demonstrated Examiner error. As such, we sustain the Examiner's obviousness rejection of independent claims 7 and 22 and its dependent claims 8–11, 21 and 23–29, which Appellant does not argue separately.

DECISION

We affirm the Examiner's final rejection of claims 7–11 and 21–29 under 35 U.S.C. § 103(a).

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