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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JAMES F. DOUGHERTY III,
YASANTHA N. RAJAKARUNANAYAKE,
PATRICK LOO, and JIAN ZHANG

Appeal 2016-000416
Application 13/331,449
Technology Center 2400

Before MARC. S. HOFF, JUSTIN BUSCH, 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 1–22, 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 Broadcom Corporation. (App. Br. 4.)

STATEMENT OF THE CASE

Introduction

Appellants' invention "relates generally to wireless media systems; and, more particularly, it relates to bridged control of media devices in a network via a user interface on a selected input device." (Dec. 20, 2011 Specification ("Spec.") ¶ 6.) Claim 1 is representative and is reproduced below (with minor reformatting):

1. A bridge device comprising:
 - memory; and
 - processing circuitry, the processing circuitry and the memory interoperable to:
 - detect input devices and output devices,
 - collect configuration/capability information from the input devices and the output devices,
 - use the collected configuration/capability information of the input devices and the output devices to:
 - determine an association between input devices and output devices based on the configuration/capability information, and
 - bridge a communication between a detected input device and a detected output device with which the input device is associated, wherein bridging the communication includes supporting connections between wired input and output devices across wireless links.

Prior Art and Rejections on Appeal

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

Kim et al. ("Kim")	US 2005/0166241 A1	July 28, 2005
Bennett et al. ("Bennett")	US 2006/0031889 A1	Feb. 9, 2006
Ryu et al. ("Ryu")	US 2007/0174478 A1	July 26, 2007
Rokusek et al. ("Rokusek")	US 2008/0242365 A1	Oct. 2, 2008
Kamon et al. ("Kamon")	US 2010/0251326 A1	Sept. 30, 2010
Sole	US 8,781,397 B2	July 15, 2014

Claims 1–5, 7, 8, 10–12, 15, and 20–22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Sole.² (*See* Final Office Action (mailed Dec. 5, 2014) ("Final Act.") 8–17.)

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Sole, and further in view of Rokusek. (*See* Final Act. 18.)

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Sole, and further in view of Kamon. (*See* Final Act. 18–19.)

² Both the Examiner and Appellants cite to the Sole Application (US 2012/0015605 A1; pub. Jan. 19, 2012) instead of the Sole patent. To avoid confusion, this Decision will also cite to the Sole Application.

Claims 13, 14, 16, 18, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Sole, and further in view of Bennett. (*See* Final Act. 19–22.)

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Sole, and further in view of Ryu. (*See* Final Act. 22–23.)

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 1–22.

Claims 1, 2, 4, and 6–22

With respect to independent claims 1 and 15, the Examiner finds that Kim teaches or suggests “determine an association between input devices and output devices” but:

Kim does not explicitly disclose collect[ing] configuration/capability information from the input devices and the output devices, us[ing] the collected configuration/capability information of the input devices and the output devices to: determine an association between input devices and output devices based on the configuration/capability information.

In analogous art, Sole discloses collect[ing] configuration/capability information from the input devices and the output devices . . . , us[ing] the collected configuration/capability information of the input devices and the output devices to: determine an association between input devices and output devices based on the configuration/capability information

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Kim with the teaching of collect[ing] configuration/capability information from the input devices and the output devices, us[ing] the collected configuration/capability information of the input devices and the output devices to: determine an association between input devices and output devices based on the configuration/capability information in order to provide a method for initiation a secure communication link based on proximity and functionality (see paragraph 0017).

(Final Act. 9–10, 13–15.) Appellants disagree and contend that “Appellant[s]’ claims 1 and 15 recite input **devices** (plural) and output **devices**_(plural). Kim does not disclose the ability to associate more than one input device with more than one output device.” (App. Br. 8–9, emphasis in original.)

We are not persuaded that the Examiner has erred. We agree with the Examiner that Kim teaches or suggests peripheral devices that can either be input and/or output devices and that these peripheral devices are associated with each other based on some criteria. (Ans. 3–4; *see, e.g.*, Kim ¶ 87 (“the video device 400 checks a connection from an output of a device to an input of another device *one by one for each device*, while considering a plug type. Then, the video device 400 creates the mapping table for determining a device to be controlled by means of a currently checked connection state and state information . . . ,” emphasis added.)

Appellants further contend that Sole “does not disclose that a bridging device collects configuration/capability information” because “[t]here is no indication in Sole that the device collecting the configuration information is a bridging device” and that there “is also no disclosure in Sole indicating that the configuration information is gathered from multiple input devices

and multiple output devices.” (App. Br. 9; Reply 3.) “[O]ne cannot show non-obviousness by attacking references individually where, as here, the rejections are based on combinations of references.” *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 is relying on Sole for “collecting and using configuration/capability information to determine an association between Bluetooth devices,” not for a bridging device as Appellants contend. (Ans. 4; Final Act. 9–10.) Importantly, the Examiner’s rejection is based on the combination of Kim and Sole. Furthermore, we agree with the Examiner’s finding that Sole teaches or suggests collecting configuration/capability information from Bluetooth devices, which can include both input and output devices, or devices that can be both, such as a Bluetooth headset. (Ans. 4; *see e.g.*, Sole ¶ 28.)

With respect to independent claim 20, which contains a similar limitation at issue (“associating the input information with the control information, such that a particular input signal of a particular input device is associated with a particular control signal of a particular output device”), Appellants contend that “Kim does not support the proposition for which it is cited, because checking connections between peripheral devices does not teach or suggest” the limitation at issue. (App. Br. 10.) Appellants do not explain why the cited portions of Kim only teach or suggest “checking connections between peripheral devices” and do not reply to the Examiner’s further explanations regarding this limitation. (Ans. 5.) We are not persuaded that the Examiner has erred and we adopt the Examiner’s findings regarding this issue in the Final Action (Final Act. 15–17) and the Examiner’s Answer (Ans. 5).

For the foregoing reasons, we are not persuaded of Examiner error in the rejection of independent claims 1, 15, and 20. Thus, we sustain the 35 U.S.C. § 103 rejection of these claims, as well as the 35 U.S.C. § 103 rejections of claims 2, 4, 6–14, 16–19, 21, and 22, which depend on one of claims 1, 15, or 20, and are not argued separately. (App. Br. 12.)

Claim 3

Claim 3 recites, in part, “in response to receiving a user command, disassociate the detected input device and the detected output device; and in response to receiving an input message from the detected input device, generate an output message to be received by a different detected output device.” The Examiner finds that Kim teaches or suggests the additional limitation recited in claim 3. (Final Act. 11.) Appellants, however, contend that “Kim does not ‘disassociate the detected input device and the **detected output device,**’ [According to Appellants, w]ithout disclosure that the output device is detected, Kim cannot disclose disassociating a **detected output device.**” (App. Br. 11, bold in original, italics added.) The Examiner explains that “Kim discloses detecting AV devices in the network (see paragraphs 0015, 0087–0089, 0091–0092, 0105, 0120 for disclosing detecting peripheral devices existing on a network connected through a communication cable and allocating a device identification ID to each peripheral device” (Ans. 6.) In their Reply, Appellants do not respond to the Examiner’s detailed findings but now contend that “*Kim discloses detecting peripheral devices (output devices), not input devices; Kim cannot disclose disassociating a detected input device, because no input devices have been detected.*” (Reply 4, emphasis added.) In other words, Appellants are now arguing, in Reply, that Kim does not teach or suggest

detected input devices rather than detected output devices. This is a new argument that is raised in reply and is deemed waived. 37 C.F.R. § 41.41(b)(2) (“Any argument raised in the reply brief which was not raised in the appeal brief, or is not responsive to an argument raised in the examiner's answer, including any designated new ground of rejection, will not be considered by the Board for purposes of the present appeal, unless good cause is shown.”); *see also In re Hyatt*, 211 F.3d 1367, 1373 (Fed. Cir. 2000) (noting that an argument not first raised in the brief to the Board is waived on appeal); *Ex parte Nakashima*, 93 USPQ2d 1834, 1837 (BPAI 2010) (informative) (explaining that arguments and evidence not timely presented in the principal Brief, will not be considered when filed in a Reply Brief, absent a showing of good cause explaining why the argument could not have been presented in the Principal Brief); *Ex parte Borden*, 93 USPQ2d 1473, 1477 (BPAI 2010) (informative) (“[p]roperly interpreted, the Rules do not require the Board to take up a belated argument that has not been addressed by the Examiner, absent a showing of good cause.”).

Appellants also contend that “[b]ecause Kim discloses *only a single output device*, host device 100, Kim cannot disclose generating an output message to be received by a different output device, as required by claim 3.” (App. Br. 11, emphasis added.) This argument is similar to Appellants’ argument regarding plural devices for claims 1 and 15 and for the same reasons discussed above, we are not persuaded that the Examiner has erred.

Appellants further contend in their Reply that “the mapping table [in Kim] does not map input and output devices,” therefore, “Kim makes no reference, even with respect to the mapping table, of disassociating an input device and an output device.” (Reply 4.) In other words, Appellants

contend that Kim does not teach or suggest “disassociating an input device and an output device.” Notwithstanding that this is a new argument that is raised in reply, we agree with the Examiner that Kim teaches disassociating detected input and output devices. (Final Act. 11.) Specifically, we agree with the Examiner that paragraphs 91, 92, 97, and 98 of Kim teach or suggest disassociating the devices, by a user command, by disabling the devices. (*Id.*; *see, e.g.*, Kim ¶ 92 (“[T]he video device . . . transmits a control command causing the buffer to be disabled to the peripheral devices. Then, the other peripheral devices except for the peripheral device 1 are disabled.”).)

For the foregoing reasons, we are not persuaded of Examiner error in the rejection of claim 3. Thus, we sustain the 35 U.S.C. § 103 rejection of claim 3.

Claim 5

Claim 5 recites, in part, “detect an input device, a first output device, and a second output device, the input device having a first functionality and a second functionality, and the first output device and the second output device located in an automobile environment.” The Examiner finds that Kim teaches or suggests all the limitations of claim 5 other than the following:

the first output device and the second output device located in an automobile environment, collect configuration/capability information from the input device, using the collected configuration/capability information of the input device: associate the first functionality with the first output device to enable the first output device to access the first functionality, and associate the second functionality with the second output device to enable the second output device to access the second functionality.

(Final Act. 12, citations omitted.) According to the Examiner, Sole teaches or suggests the above limitations. Appellants contend, however, that “Sole does not disclose that a bridging device performs the detection.” (App. Br. 11–12.) We agree with the Examiner it is Kim, not Sole, that teaches or suggest a bridge device. (Ans. 7; Final Act. 11–12.) In Appellants’ Reply, Appellants do not dispute the Examiner’s finding regarding the bridge device but instead argue that the “[E]xaminer has not explained why one of ordinary skill in the art would have been motivated to combine” the references. (Reply 4.) This is a new argument that is raised in reply and is deemed waived. 37 C.F.R. § 41.41(b)(2); *see also In re Hyatt*, 211 F.3d at 1373.

For the foregoing reasons, we are not persuaded of Examiner error in the rejection of claim 5. Thus, we sustain the 35 U.S.C. § 103 rejection of claim 5.

DECISION

The decision of the Examiner to reject claims 1–22 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