UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/400,362	02/20/2012	Thierry Bourret	ABUS-18A-116	2406

26875 7590 02/02/2017
WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER
SMALL, NAOMI J

ART UNIT	PAPER NUMBER
2682	

NOTIFICATION DATE	DELIVERY MODE
02/02/2017	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptodock@whe-law.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte THIERRY BOURRET, PASCALE LOUISE,
JEAN MULLER, and XAVIER DAL SANTO

Appeal 2016-001504
Application 13/400,362
Technology Center 2600

Before ROBERT E. NAPPI, KRISTEN L. DROESCH, and
NATHAN A. ENGELS, *Administrative Patent Judges*.

ENGELS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from a rejection of claims 1–17. No other claims are pending. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

ILLUSTRATIVE CLAIM

Claim 1, reproduced below, is illustrative of the claimed subject matter:

> 1. A method for aiding piloting of an airplane by ensuring availability of an automatic pilot that is normally controlled as a function of speed information of the airplane when the speed information is lost, the method comprising:
>
> detecting a loss of the speed information of the airplane; and
>
> in response to the detection of the loss of the speed information of the airplane:
>
> determining flight data of the airplane, the flight data being independent from the speed information of the airplane;
>
> determining a plurality of control parameters from the flight data; and
>
> controlling the automatic pilot based on the control parameters and without the speed information of the airplane, wherein the automatic pilot comprises an automatic piloting system or a flight director.

THE REJECTIONS

Claims 1, 2, 13, and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Chesne (US 2008/0125923 A1; May 29, 2008).

Claims 3–12 and 15–17 stand rejected under 35 U.S.C. § 103(a) as unpatentable in view of Chesne and various additional references.

ANALYSIS

Appellants contend Chesne does not disclose "controlling the automatic pilot based on the control parameters and without the speed information of the airplane" as required by independent claims 1 and 13. Br. 6. The Examiner finds Chesne discloses the use of a standby instrument in

the event that speed information is unavailable and "[t]he standby instrument then supplies data to an automatic pilot for the control of the airplane." Ans. 16 (citing Chesne ¶¶ 8, 33, 37).

Having reviewed the Examiner's rejections in light of Appellants' arguments and the evidence of record, we agree with Appellants that the Examiner erred in finding Chesne anticipates independent claims 1 and 13. The Examiner is correct that Chesne discloses use of a standby instrument when certain flight data, including speed information, becomes unavailable (Ans. 16 (citing Chesne ¶¶ 33, 37)), but Chesne's general statement that "[t]he standby instrument can also send information externally, in particular to the automatic pilot" (Chesne ¶ 8) does not disclose controlling the automatic pilot based on such information in response to a loss of speed information, as claimed.

To anticipate a claim, "it is not enough that the prior art reference . . . includes multiple, distinct teachings that [an ordinary] artisan might somehow combine to achieve the claimed invention." *Net MoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1371 (Fed. Cir. 2008). While Chesne may *suggest* that the automatic pilot can control an airplane based on parameters from a backup instrument, Chesne does not disclose the claim limitations all of the limitations of claims 1 and 13 arranged in the same way as in the claims. *See id.* Accordingly, we do not sustain the Examiner's rejections of independent claims 1 and 13 nor dependent claims 2 and 14. The Examiner's obviousness rejections of dependent claims 3–12 and 15–17 rely upon the teachings of Chense to teach the disputed limitations of claims 1 and 13 and the Examiner has not shown that the additional references make

up for the deficiency in the anticipation rejection. Accordingly, we similarly do not sustain the Examiner's rejection of claims 3–12 and 15–17.

DECISION

For the above reasons, we reverse the Examiner's rejection of claims 1–17.

REVERSED