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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* PHILLIP A. McCOOG, BRIAN P. SCHMITZ,  
and SCOTT A. WHITE

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Appeal 2016-002069  
Application 13/082,902  
Technology Center 2600

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Before ERIC S. FRAHM, JOHNNY A. KUMAR, and  
TERRENCE W. McMILLIN, *Administrative Patent Judges*

KUMAR, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) (2002) from the Final Rejection of claims 1–10 and 12–21, which are all the pending claims in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

## STATEMENT OF THE CASE

### *Introduction*

Claim 1 is illustrative of the invention and reads as follows:

1. A method for autoselecting a print path comprises:

autoselecting a connection path between a computing device and a printer from an ordered connection list stored in a memory of the computing device, wherein the ordered connection list ranks a plurality of connection paths between the computing device and printer according to at least one criterion defining which connection path, if available, should be autoselected to transfer data from the computing device to the printer;

in which autoselecting a connection path between a computing device and a printer comprises:

with the computing device, accessing geographic location information defining the geographic location of the computing device;

determining, based on the geographic location information, whether any of the plurality of connection paths are not available; and

not including connection paths in the connection list that are determined not to be available based on the geographical location information; and

communicating data from the computing device to the printer over the autoselected connection path using communication hardware in the computing device.

### *The Examiner's Rejections*

Claims 1–5, 9, 13, 17, 19, and 21 are rejected under 35 U.S.C.

§ 103(a) as being unpatentable over Bonar (US 2010/0124196 A1, May 20, 2010) in view of Ohara (WO 2009/025237 A1, Feb. 26, 2009) and Gum (US 2010/0177711 A1, July 15, 2010). Final Act. 4–27.

Claims 6, 7, and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bonar, Ohara, and Gum, in further view of Nakamura (US 2011/0019231 A1, Jan. 27, 2011). Final Act. 27–36.

Claims 8 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bonar, Ohara, Gum, and Nakamura, in further view of Watanabe (US 2006/0200564 A1, Sept. 7, 2006). Final Act. 36–39.

Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bonar, Ohara, and Gum, in further view of Biundo (US 2004/0137919 A1, July 15, 2004). Final Act. 39–41.

Claims 14 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bonar, Ohara, and Gum, in further view of Shamp (US 2006/0046712 A1, Mar. 2, 2006). Final Act. 41–46.

Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bonar and Ohara, in further view of Sakamoto (US 2009/0315867 A1, Dec. 24, 2009). Final Act. 46–48.

Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bonar in view of Ohara, Hamachi (US 2010/0027414 A1, Feb. 4, 2010), Horton (US 2008/0004075 A1, Jan. 3, 2008), and Gum. Final Act. 48–58.

### *Appellants' Contentions*

1. Appellants contend the Examiner erred in rejecting claim 1 because “Bonar, Ohara, and Gum, alone or in combination, fail to describe, ‘with the computing device, accessing geographic location information defining the geographic location of the computing device, [and] determining, based on the geographic location information, whether any of the plurality of

connection paths are not available.” App. Br. 13–18 (alteration in original); Reply Br. 5–11.

2. Appellants argue the patentability of independent claims 16 and 17 based on the same arguments presented for claim 1. App. Br. 19, 21; Reply Br. 11, 14.

3. With respect to the remaining claims, Appellants argue that those claims are patentable because of their dependency from the independent claims discussed above. App. Br. 19–20; Reply Br. 12–13.

#### *Issue on Appeal*

Did the Examiner err in rejecting claim 1 as being obvious because the references fail to teach or suggest “with the computing device, accessing geographic location information defining the geographic location of the computing device; determining, based on the geographic location information, whether any of the plurality of connection paths are not available” recited in claim 1?

#### ANALYSIS

We have reviewed the Examiner’s rejections in light of Appellants’ arguments that the Examiner has erred. We disagree with Appellants’ conclusion.

The Examiner has provided a comprehensive response, supported by sufficient evidence based on the teachings of Bonar, Ohara, and Gum, to each of the above-noted contentions raised by Appellants. 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 (*see* Ans. 57–64). We concur with the conclusion reached by the Examiner.

We specifically agree with the Examiner that in Bonar the feature of accessing GPS information that reflects the wireless device's location since this information is stored on the device, which is stated in ¶ [24] and [25]. . . . [T]his limitation is [also] disclosed by the Gum reference in ¶ [28] and [37], which states finding a position of the ECD using a GPS.

Ans. 59.

We also agree with the Examiner that the combination of the references incorporating the features of Gum results in a system that (1) uses the GPS location to determine availability of a connection, (2) communicates using a particular connection type with a printer (i.e. whether wireless or wired at a particular location) and (3) eliminates the unavailable connection types to the external device.

Ans. 63–64.

Thus, the cited portions of Bonar, Ohara, and Gum teach or suggest “with the computing device, accessing geographic location information defining the geographic location of the computing device; determining, based on the geographic location information, whether any of the plurality of connection paths are not available,” as recited in claim 1.

#### DECISION

The Examiner's decision rejecting claims 1–10 and 12–21 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