



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.
13/363.101	01/31/2012	Rita Sadhvani	20110978	9654
25537	7590	06/18/2018	EXAMINER	
VERIZON PATENT MANAGEMENT GROUP 1320 North Court House Road 9th Floor ARLINGTON, VA 22201-2909 UNITED STATES OF AMERICA			MCCORMICK, GABRIELLE A	
			ART UNIT	PAPER NUMBER
			3629	
			NOTIFICATION DATE	DELIVERY MODE
			06/18/2018	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):

patents@verizon.com

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

*Ex parte* RITA SADHVANI and HANNAH YOUNGSIL MOON

---

Appeal 2016-007164  
Application 13/363,101  
Technology Center 3600

---

Before MAHSHID D. SAADAT, DENISE M. POTHIER, and JASON M. REPKO, *Administrative Patent Judges*.

SAADAT, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants<sup>1</sup> appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1, 3, and 6–21.<sup>2</sup> We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

---

<sup>1</sup> According to Appellants, the real party in interest is Verizon Communications Inc. and its subsidiary companies. App. Br. 2.

<sup>2</sup> Claims 2, 4, and 5 have been cancelled. *See id.*

STATEMENT OF THE CASE

Appellants' Specification describes a method for configuring wireless mobile communication devices to enter event information indicative of events related to the wireless mobile communication device into a diary associated with a date. The event may include changes in location, phone calls, text messages, instant messages, emails, and image capturing. *See* Spec. ¶ 18. Exemplary claim 1 under appeal reads as follows:

1. A wireless mobile communication device comprising:
  - a transceiver;
  - a global positioning system (GPS) receiver;
  - a user interface device;
  - a processor coupled to the transceiver and the GPS receiver;
  - a non-transitory medium accessible to the processor;
  - a program embodied in the non-transitory medium for execution by the processor of the wireless mobile communication device, wherein execution of the program by the processor configures the wireless mobile communication device to perform functions, including functions to:
    - wirelessly communicate with a wireless mobile communication system via the transceiver;
    - automatically cause location information indicative of locations at which the wireless mobile communication device is present to be entered into a diary stored in a memory in association with date information indicative of when the wireless mobile communication device was present at each location by:
      - receiving via the user interface device a location setting information of a first calendared event from a user of the wireless mobile communication device, the location setting information including a first event

location of the first calendared event and a first specified event date and a first specified event time of the first calendared event;

repeatedly detecting location of the wireless mobile communication device via the GPS receiver or the transceiver;

detecting by the processor that the first calendared event has actually taken place by determining that a detected location of the wireless mobile communication device is:

(i) at the first event location of the first calendared event at the first specified event date and at the first specified event time, and

(ii) remains in a vicinity of the first event location for a pre-determined period of time;

only upon detecting that the first calendared event has actually taken place by the processor determining that the detected location of the wireless mobile communication device is: (i) at the first event location of the first calendared event at the first specified event date and at the first specified event time, and (ii) remains in the vicinity of the first event location for a pre-determined period of time, automatically causing the location setting information of the first calendared event, including the first event location, the first specified event date, and the first specified event time, to be entered into the diary stored in the memory; and

in response to automatically causing the location setting information of the first calendared event be entered into the diary only upon detecting that the first calendared event has actually taken place, the processor causing a new location information to be entered into the diary stored in the memory each time the wireless mobile communication device travels a pre-determined distance to a new location from the first event location of the first calendared event and remains in the vicinity of the new location for the pre-determined period of time.

## REFERENCES and REJECTIONS

Claims 1, 3, and 6–21 stand rejected under 35 U.S.C. § 101 as not being directed to patent-eligible subject matter. *See* Final Act. 2–4.

Claims 1, 3, 6, 7, 11, 12, 15, and 16 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Jackson et al. (US 6,792,427 B2; issued Sept. 14, 2004) (Jackson), Brown et al. (US 2002/0165910 A1, issued Nov. 7, 2002) (Brown), and Drucker et al. (US 2009/0232289 A1; published Sept. 17, 2009) (Drucker). *See* Final Act. 4–6.

Claims 8–10, 13, 14, 17, 20, and 21 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Jackson, Brown, Drucker, and Smith et al. (US 2012/0124125 A1, issued May 17, 2012) (Smith). *See* Final Act. 6–7.

Claim 18 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Jackson, Brown, Drucker, and Borenstein et al. (US 2008/0276179 A1, issued Nov. 6, 2008) (Borenstein). *See* Final Act. 7–8.

Claim 19 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Jackson, Brown, Drucker, Borenstein, and Jung et al. (US 2006/0023722 A1, issued Feb. 2, 2006) (Jung). *See* Final Act. 8.

## ANALYSIS

We have reviewed the Examiner’s rejections in light of Appellants’ arguments that the Examiner erred. We are persuaded the Examiner erred in rejecting the claims under 35 U.S.C. § 101 for not being directed to patent-eligible subject matter. We, however, are not persuaded the Examiner erred in rejecting the claims under 35 U.S.C. § 103(a) as obvious over the cited references, and we adopt as our own the findings and reasons set forth by the

Examiner. *See* Final Act. 2–8; Ans. 2–5. We highlight and address specific findings and arguments for emphasis as follows.

*Section 101 Rejection*

Independent claim 1 recites a wireless mobile communication device comprising a processor to “wirelessly communicate with a wireless mobile communication system” and “automatically cause location information indicative of locations at which the wireless mobile communication device is present to be entered into a diary.” The claim further requires “receiving . . . a location setting information of a first calendared event” and “repeatedly detecting location of the wireless mobile communication device” as well as determining that the device is at the event location and/or has remained in that location and is, therefore, directed to one of the four statutory categories of patentability enumerated by 35 U.S.C. § 101 (process, machine, manufacture, or composition of matter). The Examiner finds claims 1, 3, and 6–21 are

directed to detecting that a first calendared event has taken place by determining that a detected location is at the first event location at the first specified date and time and remains in a vicinity for a pre-determined period of time which compares new and stored information and uses rules to identify options and an abstract idea  
but

do not include additional elements that are sufficient to amount to significantly more than the judicial exception because the claims do not recite an improvement to another technology or technical field, an improvement to the functioning of the computer itself, or meaningful limitations beyond generally linking the use of an abstract idea to a particular technological environment.

Final Act. 3. The Examiner explains that “the limitations of the current claims are performed by the generically recited GPS-equipped wireless

communication device (i.e., any GPS-quipped cell phone can perform the claimed steps).” Final Act. 3–4.

Appellants contend the Examiner erred in finding claim 1 is not directed to patent-eligible subject matter. *See* App. Br. 5–13. Appellants argue that claim 1 recites “a wireless mobile communication device that includes specifically recited physical components” and is therefore directed to an article of manufacture or machine, which is not abstract. App. Br. 7. Appellants assert, contrary to the Examiner’s assertion and consistent with *DDR Holdings*’s determination that its claims are tailored toward computer network technology, the claims in this appeal are not directed to an “abstract idea.” App. Br. 7–8 (citing *DDR Holdings, LLC v. Hotels.Com, LP*, 773 F.3d 1245, 1257 (Fed. Cir. 2014)).

With respect to the Examiner’s discussion of the holding in *SmartGene*, Appellants contend the non-precedential decision does not encompass any subject matter similar to that of the appealed claims. App. Br. 8. Appellants argue, even if the claims were considered to be directed to an abstract idea, the recited elements “amount to significantly more than the abstract idea.” App. Br. 10. Appellants specifically assert the claimed limitation of “the wireless mobile communication device” performs specific functions of (1) “repeatedly detecting location of the wireless mobile communication device via the GPS receiver or the transceiver” and (2) “only upon detecting that the first calendared event has actually taken place,”

*determining [by its processor] that the detected location of the wireless mobile communication device is: (i) at the first event location of the first calendared event at the first specified event date and at the first specified event time, and (ii) remains in the vicinity of the first event location for a pre-determined period of time, automatically causing the location setting information of the first calendared event,*

*including the first event location, the first specified event date, and the first specified event time, to be entered into the diary stored in the memory.*

amounts to specific technological operations that are rooted in mobile device technology. App. Br. 10–11 (first and second italics omitted).

We are persuaded by Appellants’ arguments. The Supreme Court has set forth “a framework for distinguishing patents that claim laws of nature, natural phenomena, and abstract ideas from those that claim patent-eligible applications of those concepts” (*Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 134 S. Ct. 2347, 2355 (2014) (citing *Mayo Collaborative Services v. Prometheus Labs., Inc.*, 566 U.S. 66, 70 (2012))). According to this framework, a determination is made to consider whether the claims at issue are directed to one of those concepts (i.e., laws of nature, natural phenomena, and abstract ideas). *See Alice*, 134 S. Ct. at 2355. If so, a further determination must be made to consider the elements of each claim both individually and “as an ordered combination” to determine whether the additional elements “transform the nature of the claim” into a patent-eligible application. *Id.*

First, we review claim 1 to determine whether it is directed to a patent ineligible concept, such as the “abstract idea” exception found by the Examiner. *See* Final Act. 3. The claim is directed to a wireless mobile communication device that includes additional elements, such as “a global positioning system (GPS) receiver; a user interface device; a processor coupled to the transceiver and the GPS receiver; [and] a non-transitory medium accessible to the processor,” which is programmed to perform the specific functions outlined by Appellants. Claim 1. We find the recited elements are not directed to an abstract idea, but merely recite elements of a mobile communication device that perform certain steps used to manage

event entries in a calendar and the information related to the user attending those events.

Particularly, we are persuaded by Appellants' argument that, similar to *DDR Holdings*, the appealed claims are “necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer” technology, and that the claimed invention are not simply using computers to serve a conventional business purpose (*see DDR Holdings, LLC v. Hotels.com*, 773 F.3d 1245, 1257 (Fed. Cir. 2014)). Appellants' Specification describes limitations of the existing software applications, such as “[a] software application for the Macintosh<sup>TM</sup> computer called Chronories<sup>TM</sup>,” with respect to logging certain activities without sufficient details. *See* Spec. ¶¶ 3–4. The appealed claims provide a more comprehensive entry of calendar event by detecting a location of the wireless mobile communication device with the GPS receiver and entering the location setting information (e.g., event location, event date, and event time) into the diary stored in memory upon detecting that “the first calendared event has actually taken place” and the detected location of the device is: “(i) at the first event location of the first calendared event at the first specified event date and at the first specified event time, and (ii) remains in the vicinity of the first event location for a pre-determined period of time” solves the problem of matching a calendar event to the users' actual location and attendance and logging important events into the calendar. Claim 1, *see also* App. Br. 10–11. This problem specifically arises in the computer technology because existing software applications have limited types of log entries, which results in missing important entries. *See, e.g.*, Spec. ¶¶ 3–5.

Therefore, we are persuaded the Examiner erred in finding the claims recite patent-ineligible subject matter. Accordingly, we do not sustain the rejection of claims 1, 3, and 6–21 under 35 U.S.C. § 101.

*Section 103 Rejection*

*Claim 1*

The Examiner finds Jackson discloses the recited wireless communication device, a GPS receiver, memory and processor for storing the location information of claim 1 and further relies on Brown for disclosing the steps of “entering location information” and “detecting that a device is at the first event location and remains in a vicinity for a pre-determined period of time or causing a new entry to be created each time the device travels a predetermined distance to a new location and remains in the vicinity for the predetermined period of time.” Final Act. 4–5. The Examiner specifically finds Brown teaches a personal information manager (PIM) for scheduling meetings and events and creating user records based on the user presence in an event. Final Act. 5 (citing Brown ¶¶ 26, 28, 30–32, 34, 43, 44). The Examiner relies on Drucker as disclosing the recited entry when the calendar event is detected. Final Act. 5 (citing Drucker ¶¶ 20, 21). The Examiner further finds it would have been obvious to one of ordinary skill in the art to combine the teachings of Brown and Drucker with Jackson for “a review of user location and activity within time interval along with calendar and scheduled event information for the purpose of more optimally allocating resources to accomplish business and personal goals” (Final Act. 5 (citing Brown ¶ 15)), and “automating the billing of time in an accurate manner” (Final Act. 5–6 (citing Drucker ¶ 5)).

Appellants argue the proposed combination does not teach or suggest “detecting by the processor that the first calendared event has actually taken place by determining that a detected location of the wireless mobile communication device is: (i) at the first event location of the first calendared event at the first specified event date and at the first specified event time, and (ii) remains in a vicinity of the first event location for a predetermined period of time;” and “only upon detecting that the first calendared event has actually taken place by the processor determining that the detected location of the wireless mobile communication device is: (i) at the first event location of the first calendared event at the first specified event date and at the first specified event time, and (ii) remains in the vicinity of the first event location for a predetermined period of time, automatically causing the location setting information of the first calendared event, including the first event location, the first specified event date, and the first specified event time, to be entered into the diary stored in the memory.”

App. Br. 13–14 (*italics omitted*).

With respect to Brown, Appellants cite to paragraph 43 and Figures 8 and 9b and contend Brown “always displays its filtered position records and scheduled events in its graphical user interface (i.e., the alleged diary) regardless of whether the scheduled events actually took place” without comparing the user events with the actual location. App. Br. 15. Appellants further argue paragraph 15 of Brown “does not disclose any processor-based comparison between the scheduled events and the filtered position records that are created from the measured position records.” App. Br. 16.

Regarding Drucker, Appellants contend Drucker fails to cure the deficiencies of Jackson and Brown and merely discloses “when such events occur, a prompt is displayed to the user to determine whether the event is a billable event and what the billing information is. This improves billable

time capture by capturing billable time information at the completion of a calendar appointment.” App. Br. 17 (citing Drucker ¶ 20). Appellants assert the proposed combination of Drucker’s teaching in paragraph 48 with Jackson and Brown “would capture *Drucker’s* ‘billable time information’ at the completion of *Brown’s* ‘scheduled event’ for display in *Brown’s* graphical user interfaces of Figures 8 and 9B so ‘**the user may compare** what was scheduled with what actually materialized’ as described in *Brown*,” and not the disputed claim limitation outlined above. App. Br. 17.

We are not persuaded by Appellants’ contentions that the Examiner erred because the rejection is based on the combination of Jackson with Brown and Drucker (*see also* Reply Br. 5–6). As explained by the Examiner (Ans. 5), Appellants’ contentions do not focus on passages relied upon in the rejection. The Examiner points to paragraphs 43–45 of Brown as disclosing position records based on specific time periods and the associated distance data. *Id.* The Examiner correctly finds

With respect to the detection of events, at P[0014]: “the position coordinates and time information may be processed to determine whether a change in a series of position coordinates indicates a **pre-defined activity occurring during an activity time period during which the position coordinates were generated.**” At P[0015] a user can compare the actual activity with scheduled events, thus the actual activity has been detected by the processor and recorded such that a user can compare the two. At P[0043], Brown discloses that the system filters the position records to look for records indicating that the user was at a same location for a minimum time. Thus creating a list of records where a user was at a given location for a threshold amount of time.

*Id.* In fact, Brown’s system, as discussed above, provides for an “activity algorithm” that analyzes the record and the rate of change in distance which,

when displayed, enters the actual event and whether the user stayed for a minimum amount of time in the calendar to be compared with the original user entry. *See* Brown ¶ 44.

We also agree with the Examiner that Brown was relied on for disclosing the specific functionality of detecting the duration of the event and whether the mobile device is at the event for a period of time, whereas the recited processor and storing of the location information is taught by Jackson. *See id.* Appellants' contentions focus on the references separately and ignore the fact that the proposed rejection is based on the combination of Jackson with Brown and Drucker (*see* App. Br. 14–18). Each reference must be read, not in isolation, but for what it fairly teaches in combination with the prior art as a whole. *See In re Keller*, 642 F.2d 413, 425 (CCPA 1981) (“The test for obviousness is not . . . that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art.”); *see also In re Merck & Co. Inc.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986). Furthermore, when combining Jackson with Brown and Drucker, the combination would predictably yield no more than one would expect from such a combination, such as detecting the presence of the mobile device for a period of time while the event is taking place, as recited. *See KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 417 (2007).

For the above-stated reasons, we are not persuaded by Appellants' arguments that the Examiner erred in finding the combination of Jackson with Brown and Drucker teaches or suggests the disputed features of claim 1. Accordingly, we sustain the Examiner's 35 U.S.C. § 103(a) rejection of

claim 1, as well as claims 3, 6, 7, 11, 12, 15, and 16 which are not argued separately. *See* App. Br. 13.

*Remaining Claims*

Appellants contend the patentability of the remaining claims by relying on their dependency from their base claim or asserting that Smith, Borenstein, and Jung do not teach or suggest the above-discussed limitations of claim 1 and therefore do not cure the deficiencies outlined for the combination of Jackson with Brown and Drucker. App. Br. 18–19. The Examiner has provided sufficient findings based on the teachings of the cited prior art, which we agree with and adopt as our own. *See* Final Act. 7–8. For similar reasons discussed above, we are not persuaded that the Examiner erred in finding the disclosures of Smith, Borenstein, and Jung, in combination with Jackson, Brown, and Drucker teach or suggest the recited features of these claims. Accordingly, we sustain the Examiner’s 35 U.S.C. § 103(a) rejections of claims 8–10, 13, 14, and 17–21.

DECISION

We affirm the Examiner’s decision to reject claims 1, 3, and 6–21.

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