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EXAMINER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ANDREW FOSTER, NICHOLAS JULIAN PELLY, and
MICHAEL GRAHAM WOODWARD¹

Appeal 2017-000452
Application 14/291,987
Technology Center 3600

Before ROBERT E. NAPPI, JAMES W. DEJMEK, and
MATTHEW J. McNEILL *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) of the Examiner's Final Rejection of claims 1 through 15 and 17 through 21. We have jurisdiction over the pending claims under 35 U.S.C. § 6(b).

We affirm-in-part.

INVENTION

The invention is directed to interactive digital maps and to generating automatic suggestions when a user interacts with a digital map. *See* paragraphs 1, 4, and 5 of Appellants' Specification.

Claim 1 is illustrative of the invention and reproduced below:

1. A system comprising:
 - a non-transitory computer-readable medium storing thereon profile data for a registered user, the profile data including indications of previous interactions of the user with a digital mapping service; and
 - processing hardware coupled to the non-transitory computer-readable medium, the processing hardware configured to: receive a request for geographic content from a client device, wherein the request includes an indication that the user invoked the digital mapping service while the client device is coupled to a head unit of a vehicle via a short-range communication link,
 - in response to the request, automatically generate geographic content based at least in part on the indications of previous interactions, including select the geographic content in view of its relevance to an automotive context, and
 - provide the geographic content to the client device for presentation in the vehicle.

REJECTIONS AT ISSUE

The Examiner has rejected claims 9 through 15 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Final Action 8–9; Answer 3.²

The Examiner has rejected claims 1 through 8 under 35 U.S.C. § 102(a)(2) as anticipated by Letz (US 2014/0005924 A1, issued Jan. 2, 2014). Final Action 9–18; Answer 3.

¹ According to Appellants, the real party in interest is Google Inc. App. Br. 3.

² Throughout this opinion we refer to the Appeal Brief, filed May 16, 2016; Reply Br., filed October 4, 2016; Final Action mailed December 15, 2015, and the Examiner’s Answer, mailed on August 4, 2016.

The Examiner has rejected claims 9 through 15, and 17 through 21 under 35 U.S.C. § 103 as unpatentable over Letz and Hassan et al. (US 2012/0190379 A2, pub. July 26, 2012). Final Action 18–34; Answer 3.

ANALYSIS

We have reviewed Appellants’ arguments in the Briefs, the Examiner’s rejection, and the Examiner’s response to the Appellants’ arguments. Initially, we note Appellants have not addressed the Examiner’s rejection under 35 U.S.C. § 101, accordingly we summarily sustain the Examiner’s rejection. Appellants’ arguments have persuaded us of error in the Examiner’s rejection of independent claim 1 under 35 U.S.C. § 102 and independent claim 17 under 35 U.S.C. § 103.

With respect to independent claim 1, the dispositive issue presented by Appellants’ arguments is did the Examiner err in finding Letz teaches “receiv[ing] a request for geographic content from a client device, wherein the request includes an indication that the user invoked the digital mapping service while the client device is coupled to a head unit of a vehicle via a short-range communication link,” as recited in claim 1.

Appellants argue Letz teaches generating personalized travel routes, but that Letz does not disclose any techniques for selecting content in an automotive context. App. Br. 12–13; Reply Br. 2–3. Thus, Appellants conclude there “is simply no reason why it would matter to the system 100 in Letz whether a ‘request for routing information,’ (*see e.g.*, par. 42), is generated ‘while the client device is coupled to a head unit of a vehicle’ or in some other state.” App. Br. 13.

The Examiner finds that Letz is directed to route planning and navigation, that the system determines requests for routing information in real-time, and is applicable to vehicular route planning. Answer 4 (citing Letz para. 31). Further, the Examiner states that Letz teaches coupling the client device to the head unit. *Id.* at 5 (citing Letz para. 67).

We have reviewed the teachings relied upon by the Examiner in the rejection and disagree with the Examiner's findings that the cited passages of the references teach a request for content from a client device, where the request includes an indication that the user invoked the mapping service is coupled to a head unit of a vehicle. Paragraph 67 of Letz, cited by the Examiner, does not discuss a head unit, and it is not clear from the record what the Examiner is equating to the claimed head unit. Thus, we do not find sufficient evidence to support a finding that Letz discloses the request includes an indication that the user invoked the mapping service when the client device is connected to the head unit. Accordingly, we do not sustain the Examiner's rejection of independent claim 1 or the rejection of claims 2 through 8, which depend upon claim 1.

With respect to independent claim 17, the dispositive issue presented by Appellants' arguments is did the Examiner err in finding the combination of Letz and Hassan teaches: determining that a computing device is connected to a head unit of a vehicle and sending a request for geographic content to a network including an indication that the computing device is currently operating in a vehicle, as recited in independent claim 17. App. Br. 14–15; Reply Br. 3.

The Examiner relies upon Letz to teach claim 17's limitation directed to the computing device being connected to the head unit of a vehicle. Final

Action 28; Answer 7. Further, the Examiner relies upon Hassan to teach sending an indication that the computing device is in a vehicle. Final Action 21 (citing Hassan paras. 27, 30, 41, and 84).

We disagree with the Examiner's findings that these teachings make obvious the disputed claim limitation. As discussed above, paragraph 67 of Letz cited by the Examiner, does not discuss a head unit, and it is not clear from the record what the Examiner is equating to the claimed head unit. Further, although paragraph 41 of Hassan does discuss the vehicle providing an indication to a telecommunication device (phone) that the device that the vehicle is in use, this indication is used to restrict calling or texting. The Examiner has not established how such a teaching would apply to a request for geographic content communicated between network interface and network server as recited in claim 17. Accordingly, we do not sustain the Examiner's obviousness rejection of claim 17 or claims 18 through 21, which depend upon claim 17.

DECISION

The decision of the Examiner to reject claims 9 through 15 under 35 U.S.C. § 101 is affirmed.

The decision of the Examiner to reject claims 1 through 8 under 35 U.S.C. § 102 and to reject claims 9 through 15, and 17 through 21 under 35 U.S.C. § 103 is reversed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED-IN-PART