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14/533,901	11/05/2014	Eric Horvitz	317615-US-CNT(169-8101US)	8818

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EXAMINER
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* ERIC HORVITZ, RUSTON JOHN DAVID PANABAKER,  
WILLIAM JEFFERSON WESTERINEN, ALEXANDER FRANK, and  
JOHANNES KLEIN

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Appeal 2018-000009<sup>1</sup>  
Application 14/533,901  
Technology Center 2400

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Before JEAN R. HOMERE, NABEEL U. KHAN, and SHARON FENICK,  
*Administrative Patent Judges.*

HOMERE, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from a Final Rejection of claims 1–6, 8–13, and 15–20. App. Br. 2. Claims 7 and 14 have been canceled. Claims App’x. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

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<sup>1</sup> Appellants identify the real party in interest as Microsoft Technology Licensing, LLC. App. Br. 2.

*Introduction*

According to Appellants, the claimed subject matter is directed to a method and system for tracking, according to a zone policy, the movement of a managed entity (110), including a person/thing (112), equipped with a mobile tracking device (114). Spec. ¶ 4, Fig. 1. In particular, upon downloading from a zone policy database (150) connected to a zone policy server (140), the zone policy defining the physical boundaries of a mobile zone (e.g., bus, vehicle), within which the managed entity is to be restricted, the managed entity's movement within a mobile zone is tracked to ensure that it remains confined within the established physical boundaries. *Id.* ¶ 43.

*Representative Claim*

Claims 1, 8 and 15 are independent. Independent claim 1 is illustrative, and is reproduced below with limitation at issue italicized:

A method performed on a computing device that includes at least one processor and memory, the method comprising:

monitoring, by the computing device that is coupled via a network to a mobile device, a managed entity according to a zone policy downloaded from a zone policy data store, where an entity and the mobile device are together considered the managed entity, and *where the zone policy includes a zone definition of a mobile zone and an entity definition of the managed entity, and where the zone definition includes a description of physical boundaries of the mobile zone.*

*Prior Art Relied upon*

Reisman et al.                      US 2004/0174264 A1      Sept. 9, 2004  
(hereinafter "Reisman")

Copley et al.                        US 2005/0068169 A1      Mar. 31, 2005  
(hereinafter "Copley")

*Rejection on Appeal*

Claims 1–6, 8–13, and 15–20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination Reisman and Copley. Final Act. 3–7.

ANALYSIS

We consider Appellants’ arguments as they are presented in the Appeal Brief,<sup>2</sup> pages 5–20, and the Reply Brief, pages 2–14. We have reviewed the Examiner’s rejection in light of Appellants’ arguments. We are unpersuaded by Appellants’ contentions. We adopt as our own the findings and reasons set forth in the Final Action and the Examiner’s Answer in response to Appellants’ Appeal Brief. *See* Final Act. 2–8; Ans. 2–7. However, we highlight and address specific arguments and findings for emphasis as follows.

Appellants argue that Examiner unreasonably and broadly interpreted the claimed features inconsistently with the Specification. App. Br. 11. Consequently, Appellants submit that the Examiner erred in finding that the combination of Reisman and Copley teaches or suggests “*the zone policy includes a zone definition of a mobile zone and an entity definition of the*

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<sup>2</sup> Rather than reiterate all the arguments of Appellants and all of the Examiner’s findings/conclusions, we refer to the Final Action from which the appeal is taken (mailed January 20, 2017) (“Final Act.”), the Appeal Brief (filed June 1, 2017) (“App. Br.”), the Answer (mailed August 4, 2017) (“Ans.”), and the Reply Brief (filed September 29, 2017) (“Reply Br.”) for the respective details. Our review in this appeal is limited only to the above rejections and the issues raised by Appellants. Arguments not made are waived. *See* 37 C.F.R. § 41.37(c)(1)(iv)(2017).

*managed entity, and where the zone definition includes a description of physical boundaries of the mobile zone,”* as recited in independent claim 1. *Id.* at 12–15. In particular, Appellants argue because Reisman’s RF reception range area is inconsistent with a vehicle, a package, or other thing, or a subzone of such a thing, it does not teach the claimed “mobile zone” consistently with the Specification. *Id.* at 12 (citing Spec. ¶ 43). Further, Appellants argue that because the perimeter of the disclosed RF reception range does not describe “the physical borders of the zone”, it does not teach the claimed “physical boundaries of the mobile zone” consistent with the Specification. *Id.* (citing Spec. ¶¶ 26, 43). Additionally, Appellants argue that although Figure 3 in Reisman depicts an example of a zone policy (“Bobby at school”), it does not teach the zone policy recited in the claim. *Id.* at 13 (citing Reisman ¶¶ 26, 36). Appellants assert that the disclosed zone policy includes five rules regarding a school zone, and the rules may have associated with them entities, sensors, rule event objects and/or zones. *Id.* at 13–14 (citing Reisman ¶¶ 26, 28, 36–39). According to Appellants, although the Specification indicates that the claimed zone policy may be defined as a school zone, the Examiner erred in finding Figure 3 of Reisman to be a school. *Id.* at 14. Moreover, Appellants submit that even if the disclosed rules depicted in Figure 3 of Reisman represented a zone policy, it would still fall short of teaching the specific characteristics of the zone policy. *Id.*

These arguments are not persuasive. At the outset, we note, Appellants’ Specification indicates that a “zone definition” includes information to describe a location (e.g., road, trail, home school, office, etc.). Spec. ¶ 26. Likewise, the Specification states that a “zone” may, in

part, be defined in terms of a perimeter (“radius around a location center point”), an area, a volume, etc. *Id.* Therefore, consistent with Appellants’ Specification, the disputed limitations emphasized above require that the zone policy include (1) the location of a mobile object (e.g., a vehicle), (2) the physical boundaries thereof, and (3) the location of a managed entity (e.g., an object/person equipped with location sensor). Spec. ¶¶ 26–40. Further, we note Appellants’ arguments with respect to Figure 3 are improperly directed to portions of Reisman not particularly relied upon by the Examiner. Instead, the Examiner relies upon Figures 4 and 5 of Reisman as disclosing location and time constriction rules (i.e. zone policy), downloaded via a wireless network from a zone policy data store to Location and Transmission Devices (LTDs), which subsequently compare the downloaded rules with location and time stamps in users’ devices. Final Act. 4 (citing Reisman ¶ 5). According to the Examiner, the disclosed policy therefore allows the monitoring of a mobile zone (e.g., train) based on rules defining the location of the mobile zone, its physical boundaries, and the relationship between the mobile zone and a managed entity. *Id.* The Examiner reiterates Reisman’s disclosure of a rule-defining event (zone policy), stored in the memory of Local Monitoring Devices (LMDs) to preclude a person wearing an RF transmission tag (managed entity) from entering an RF reception range teaches the disputed limitations. *Id.* at 2 (citing Reisman ¶¶ 35, 39); Ans. 6. According to the Examiner, because the LMDs are mobile objects, which can be placed in cars, trees, houses, vehicles, trains, etc., they teach the claimed mobile zones, and the location thereof. Final Act. 3 (citing Reisman ¶¶ 21, 24, 41); Ans. 6. Further, the Examiner finds that because Reisman’s preset rules also identify a managed

entity, and notify the office if the managed entity is detected in a restricted area, Reisman teaches a policy zone that defines the location of a mobile zone, the boundaries thereof, a managed entity, and a relationship between the managed entity and the mobile zone. *Id.* Because Appellants have not particularly addressed these specific Examiner's findings, we find no reversible errors therein.

Even under Appellants' alleged mapping by the Examiner of Reisman's RF reception range area to the mobile zone and the physical boundaries thereof, we find that the definitions provided in Appellants' Specification would also comport with such a mapping. As noted above, because a zone may be defined as a perimeter (e.g., "a radius around a location center point"), the disclosed RF reception range area teaches a radius around location of an LDM, thereby teaching a zone definition of a mobile zone, as well as the borders thereof. Consequently, on the record before us, the Examiner has established by a preponderance of the evidence that the combination of Reisman and Copley renders claim 1 unpatentable. Accordingly, we are not persuaded of error in the Examiner's obviousness rejection of claim 1.

Regarding the rejection of claims 2–6, 8–13, and 15–20, because Appellants have either not presented separate patentability arguments or have reiterated substantially the same arguments as those previously discussed for patentability of claim 1 above, those claims fall therewith. *See* 37 C.F.R. § 41.37(c)(1)(iv) (2017).

#### DECISION

For the above reasons, we affirm the Examiner's rejection of claims 1–6, 8–13, and 15–20.

Appeal 2018-000009  
Application 14/533,901

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