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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte HORACE C. HO, MARK QUILLING, REBECCA FRANK,
REBECCA M. HO, and NAV SOOCH¹

Appeal 2018-002417
Application 15/476,106
Technology Center 2800

Before BRADLEY R. GARRIS, JEFFREY T. SMITH, and
MICHAEL G. McMANUS, *Administrative Patent Judges*.

GARRIS, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134, Appellant appeals from the Examiner's final rejection of claims 6–16 under 35 U.S.C. § 103 as unpatentable over Morchon (US 2013/0285574 A1, published October 31, 2013) in view of Feng (US 2011/0234366 A1, published September 29, 2011). We have jurisdiction under 35 U.S.C. § 6.

¹ Appellant is the Applicant, Ketra, Inc., which is identified as the real party in interest (Appeal Br. 1).

We AFFIRM.

Appellant claims a lighting control system comprising a plurality of lamps interconnected by a wireless network, a subset of the lamps corresponding to a group of lamps having the same pre-defined scene (e.g., lighting brightness/intensity (*see, e.g.*, Spec. ¶ 68)) or show content stored therein, and a control device comprising a button to activate the group of lamps at substantially the same time based on their stored content (sole independent claim 6).

A copy of representative claim 6, taken from the Claims Appendix of the Appeal Brief, appears below.

A lighting control system, comprising:
a plurality of lamps interconnected within a residence by a wireless network;
a subset of the plurality of lamps corresponding to a group of lamps having the same pre-defined scene or show content stored therein based on their function and location within the residence; and
a control device comprising a button which is configured to forward a groupcast message addressed to only the group of lamps and to activate the group of lamps at substantially the same time based on their stored content.

Because Appellant does not present separate arguments specifically directed to the dependent claims (Appeal Br. 3–7), claims 7–16 will stand or fall with their parent independent claim 6.

We will sustain the Examiner’s rejection for the reasons expressed in the Final Office Action, the Answer, and below.

In rejecting claim 6, the Examiner finds that Morchon discloses a lighting control system of the general type claimed except Morchon's control device does not include a button to forward the groupcast message (Final Action 2–3). The Examiner finds that Feng teaches a lighting control system comprising a control device having such a button and concludes that it would have been obvious to provide Marchand's control device with a button to forward the groupcast message as taught by Feng (*id.* at 3).

Appellant does not contest the Examiner's proposed combination of Morchon and Feng but instead disputes the Examiner's finding that Morchon's lighting control system comprises a group of lamps having the same pre-defined scene or show content stored therein as claimed (Appeal Br. 3–7). According to Appellant, "Morchon describes groupcasting a function F . . . and depending upon the unique location, address, temperature and/or external source values stored in each lamp, lamp output is controlled" (*id.* at 6). Appellant contends "[t]hus, the only content stored in lamps 22 of Garcia Morchon are unique location/position, network addresses, temperatures, etc. given to each lamp[, and] [t]here is no scene or show content stored in the lamps" (*id.*).

The Examiner responds by explaining that predetermined functions are loaded in the internal storage of Morchon's lamps or luminaires and that when a group of lamps/luminaires is selected via a groupcasted function, "each of the luminaires 22 will then draw out [the desired] pre-stored content (predefined functions) from their internal storage" (Ans. 3 (citing, e.g., Morchon ¶¶ 6, 75, 80)).

In reply, Appellant argues that “[p]redetermined functions within luminaires 22 . . . absolutely cannot be scenes since to do so would be to . . . ignore the explicit statement [in Morchon’s ¶ 66] that the invention enables multicast messaging and control ‘without making use of scenes’” (Reply Br. 3).

Appellant’s argument incorrectly interprets paragraph 66 of Morchon as stating that the invention does not make use of scenes. The paragraph discloses “a multicast (broadcast) message according to the invention enables to flexibly set the light levels at the luminaires to individual, differentiated, values without making use of scenes” (Morchon ¶ 66). When properly interpreted, this disclosure teaches it is Morchon’s multicast message that does not make use of scenes. Such an interpretation is supported by Morchon’s disclosure as a whole including the paragraph 6 teaching of a multicast or groupcast message that compresses “the distributed light settings using one or more functions in order to reduce the communicational overhead [whereby] [e]ach luminaire addressed by the multicast message can recover its particular light setting by evaluating the function(s)” (Morchon ¶ 6).²

The argument also lacks persuasive merit because Appellant fails to explain how Morchon’s group of luminaires would be able to produce a desired scene (e.g., a desired light brightness setting) without making use of

² Appellant’s Specification similarly teaches reducing network message traffic, for example, by groupcasting only a button number associated with group addresses (Spec. ¶ 73).

scenes as argued. We reiterate that Morchon expressly teaches “[e]ach luminaire addressed by the multicast message can recover its particular light setting by evaluating the function(s)” (¶ 6 (emphasis added)). The record before us supports the Examiner’s above determination that each luminaire of Morchon’s group recovers its desired light setting or scene from content internally stored in the luminaire by evaluating the groupcast function associated with such a scene.

For the above-stated reasons and those given by the Examiner, we sustain the § 103 rejection of claims 6–16 as unpatentable over Morchon in view of Feng.

The decision of the Examiner 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). See 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED