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InTouch Health C/O CPA Global 900 2nd Avenue South, Suite 600 Minneapolis, MN 55402			SELBY, GEVELL V	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte YULUN WANG, CHARLES S. JORDAN, and MARCO PINTER

Appeal 2018-004637
Application 11/455,161
Technology Center 2600

Before MAHSHID D. SAADAT, ROBERT E. NAPPI, and
LYNNE E. PETTIGREW, *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL
STATEMENT OF THE CASE

Appellant¹ appeals under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 10 through 16, which constitute all the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ We use the word Appellant to refer to "applicant" as defined in 37 C.F.R. § 1.42(a). According to Appellant, InTouch Technologies is the real party in interest. Appeal Br. 1.

INVENTION

The invention is directed to a remote robot system controlled by a remote station (*see* Spec. 4:2–9). Claim 10 is illustrative of the invention and is reproduced below.

10. A method for projecting a remotely captured image, comprising:
- capturing a robot image with a robot camera of a mobile robot;
 - transmitting the robot image captured by the robot camera to a remote control station used to control movement of the mobile robot;
 - capturing a station image with a camera of the remote station displaying the robot image and the station image on a monitor of the remote control station;
 - projecting the image captured by the robot camera on a flat screen in a manner that allows an operator of the remote control station to view the robot and station images displayed by the remote control station monitor and the projected robot image, wherein said flat screen is flat in both a vertical direction and a horizontal direction;
 - transmitting the station image to the mobile robot; and,
 - displaying the station image on a screen of the mobile robot.

EXAMINER'S REJECTION¹

The Examiner rejected claims 10 through 16 under 35 U.S.C. § 103(a) as being unpatentable over the combined teachings or suggestions of Jouppi (US 6,292,713 B1; issued Sept. 18, 2001) (hereinafter “Jouppi '713”),

¹ Throughout this Decision, we refer to the Appeal Brief filed November 6, 2017 (“Appeal Br.”); Reply Brief filed March 26, 2018 (“Reply Br.”); Final Office Action mailed October 6, 2016 (“Final Act.”); and the Examiner’s Answer mailed January 26, 2018 (“Ans.”).

Jouppi (US 2005/0192721 A1; published Sept. 1, 2005) (hereinafter “Jouppi ’721”) and Ivashin (US 2005/0264648 A1, published Dec. 1, 2005). Final Act. 3–7.

ANALYSIS

We have reviewed Appellant’s arguments in the Briefs, the Examiner’s rejections, and the Examiner’s response to Appellant’s arguments. Appellant’s arguments have not persuaded us of error in the Examiner’s rejection of all of the claims under 35 U.S.C. § 103.

Appellant’s argument asserts that the combination of “Jouppi ’713 in view of Jouppi ’721 teaches away from projecting the robot image in such a way that allows an operator of the remote control station to view both the projected robot image and the robot image displayed by the remote control station monitor.” Appeal Br. 7. Appellant argues Jouppi ’713 teaches a robot control system and, in the embodiment which makes use of projectors, uses them in an “immersion room” which is a separate room from the remote control station. Appeal Br. 8 (citing Jouppi ’713, Figs. 1, 28, and col. 3 ll. 12–37, col. 13, ll.56–58, and col. 16, ll. 40–50, 62–66), Reply Br. 2 (citing Jouppi ’713, Fig. 28, col. 14, ll. 30–33). As such, Appellant asserts in Jouppi ’713, the user cannot view both the image that is projected and the image displayed on the monitor. Further, Appellant argues that Jouppi ’721 also teaches an immersive viewing environment for the user and that the user’s computer transceiver is located outside the field of view of the user in the immersive environment. Appeal Br. 9–10. Thus, Appellant asserts that neither Jouppi reference discloses embodiments where the user station monitor is in the same room as the projection screen and as such the Jouppi references teach away from the limitation of projecting the robot image on a

flat screen that allows the operator to see both the projection and the images on the remote control station as claimed. Appeal Br. 10–11, Reply Br. 2.

The Examiner finds that Jouppi '713 teaches in the immersion room embodiment that the projectors can project images from the robot and that the computer system for the immersion room is the same as the user station. Ans. 8 (citing Jouppi '713, Fig. 28, col. 13, ll. 56–58, col. 14, ll. 40–50).

The Examiner identifies that in a prior appeal of this application, the panel stated “the monitor included in the user station allows the operator of the remote control station in the immersion room to view the robot image displayed by the remote control station monitor 70 and the projected robot image on the screen 522.” *Ex. Parte Wang*, Appeal 2011-004068, at 4. (PTAB Aug. 13, 2013). Further, the Examiner identifies that Jouppi '721 was only relied upon to teach the display screen is flat in both horizontal and vertical directions, and the Ivashin reference is relied upon to teach the robot control display includes composite views, the claimed robot image, and station image. Ans. 7–8.

We have reviewed the cited teachings of the Jouppi references and are not persuaded of error in the Examiner’s rejection by Appellant’s teaching away argument. “A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant.” *Ricoh Co., Ltd. v. Quanta Computer, Inc.*, 550 F.3d 1325, 1332 (Fed. Cir. 2008) (quoting *Optivus Tech., Inc. v. Ion Beam Applications S.A.*, 469 F.3d 978, 989 (Fed. Cir. 2006)). A reference does not teach away if it merely expresses a general preference for an alternative invention from amongst options

available to the ordinarily skilled artisan, and the reference does not discredit or discourage investigation into the invention claimed. *In re Fulton*, 391 F.3d 1195, 1201 (Fed. Cir. 2004). Here we do not find the teaching in Jouppi '713 of projectors in an immersion room separate from the control station discourages the ability of the user to view both the control display and the projected image. As identified by the Examiner, Jouppi '713 teaches the projectors are used in place of or in addition to the display of the control station. Jouppi '713, col. 16, ll. 64–66. Thus, Jouppi '713, clearly does not discourage an operation where the projection and the control display are viewed concurrently. We additionally note that displays being in separate rooms does not preclude, and thereby not discourage, the projected image from being viewed along with the control display (e.g., an open door or a window, as control rooms often have, may allow the user in the room with the control station to see inside the immersion room with the projectors). Accordingly, we are not persuaded of error by Appellant's teaching away argument and sustain the Examiner's rejection of representative claim 10 and dependent claims 11 through 16, which were not separately addressed in Appellant's arguments.

CONCLUSION

We affirm the Examiner's rejection of claims 10 through 16 under 35 U.S.C. § 103.

Claims Rejected	35 U.S.C §	Reference(s)/Basis	Affirmed	Reversed
10-16	103	Jouppi, Jouppi, Ivashin	10-16	

AFFIRMED