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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte CORY GRABINGER, MIROSLAV MIKULICA and
WILLIAM BRAY

Appeal 2018-006123
Application 14/592,402
Technology Center 2400

Before MARC S. HOFF, JENNIFER L. McKEOWN, and
JASON M. REPKO, *Administrative Patent Judges*.

McKEOWN, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants¹ appeal under 35 U.S.C. § 134(a) from the Examiner's decision to reject claims 1–20. We have jurisdiction under 35 U.S.C. § 6. We affirm.

¹ According to Appellants, the real party in interest is Honeywell International, Inc. Appeal Br. 3.

STATEMENT OF THE CASE

Appellants' disclosed and claimed invention is directed to a single infrastructure arrangement resulting from merging two or more sets of infrastructure. For example, an arrangement may incorporate an infrastructure or a set of infrastructure incorporating components with wireless access points and one or more sets of infrastructure with components having functional purposes, for example, such as those of heating, ventilation and air conditioning systems, smoke detection, security, and so on. An integrated infrastructure may encompass components having the functional purposes and the wireless access points.

Spec. ¶ 3.

Claims 1 and 15 are illustrative of the claimed invention and read as follows:

1. A wall module arrangement with integrated infrastructure level radio frequency (RF) access points, comprising:
 - a local area network;
 - one or more components for a heating, ventilation and air conditioning (HV AC) system, connected to the local area network; and
 - one or more RF access points connected to the local area network; and wherein:
 - one or more RF access points are integrated in the one or more components for a heating, ventilation and air conditioning system, respectively;
 - the local area network, the one or more components, and the one or more RF access points receive power from one or more items selected from a group consisting of power over the network, power provided by a wired connection to a remote source, and power provided by a local source;
 - the integrated infrastructure comprises at least the HVAC system and a second infrastructure having components for a second electrical control system different from the HVAC system; and

the one or more RF access points provide direct access to an external internet including the world wide web from a device separate from the HVAC system and the second infrastructure via the local area network.

15. An integrated infrastructure system comprising:
a local area network;
a first set of infrastructure including components having functional purposes;
a second set of infrastructure including components having functional purposes different from the functional purposes of the first set of infrastructure;
one or more components from the first or second sets of infrastructure connected to the local area network; and
wherein the one or more components comprise one or more RF access points, respectively, connected to the local area network, at least one of the RF access points configured to provide access to an external internet including the world wide web from a device separate from the first and second sets of infrastructure.

THE REJECTIONS

The Examiner rejected claims 15, 17, and 18 under 35 U.S.C. § 102(a)(1) as anticipated by Sotak (US 2005/0108091 A1, published May 19, 2005). Final Act. 4–6.

The Examiner rejected claims 1, 2, 5, and 6 under 35 U.S.C. § 103 over Bergman (US 2014/0031992 A1, published Jan. 30, 2014), Stanford (US 2007/0135086 A1, published Jun. 14, 2007), and Sotak. Final Act. 7–9.

The Examiner rejected claims 3 and 4 under 35 U.S.C. § 103 over Bergman, Stanford, Sotak, and Shaffer (US 2013/0091258 A1, published Apr. 11, 2013). Final Act. 9–10.

The Examiner rejected claims 7–10, 13, and 16 under 35 U.S.C. § 103 over Sotak and Bergman. Final Act. 11–13.

The Examiner rejected claims 11 and 14 under 35 U.S.C. § 103 over Sotak, Bergman, and Stanford. Final Act. 14.

The Examiner rejected claim 12 under 35 U.S.C. § 103 over Sotak, Bergman, and Shaffer. Final Act. 15.

The Examiner rejected claim 19 under 35 U.S.C. § 103 over Sotak and Shaffer. Final Act. 15–16.

The Examiner rejected claim 20 under 35 U.S.C. § 103 over Sotak and Shaffer. Final Act. 16.

ANALYSIS

THE ANTICIPATION REJECTION UNDER 35 U.S.C. § 102 BASED ON SOTAK

Claims 15, 17, and 18

Based on the record before us, we are not persuaded that the Examiner erred in rejecting claims 1–20 as anticipated.

Appellants argue that Sotak does not teach or suggest “a component from the first set of infrastructure allows a device, separate from the infrastructure, to access the internet.” Appeal Br. 8–9. Appellants asserts that Sotak discloses a home management system with a central controller that is in communication with a local area network, but “there appears to be no teaching or suggestion of a wireless access point in any of the infrastructures having a functional purpose.” Appeal Br. 9. In other words, according to Appellants,

none of the security system, audio system, irrigation system, HVAC system, lighting system, and so forth of Sotak et al., appears to teach or suggest an RF access point configured to provide access to an external internet from a device separate from the first and second sets of infrastructure, as recited in claim 15.

Appeal Br. 9.

On the other hand, the Examiner finds that Sotak's home management system includes an access point 20 that provides a separate device internet access. Final Act. 4–5 (citing Fig. 2, ¶¶ 40, 55–56); Ans. 3–4 (citing ¶¶ 40, 52, 55–56). Appellants acknowledge that Sotak's residential access point 20 provides access to the internet, but maintain that this residential access point is “completely separate” from any of Sotak's infrastructures. Appeal Br. 10. Namely, the residential access point is “separate from the security system, audio system, irrigation system, HVAC system, lighting system, and so forth.” Appeal Br. 10. Appellants further elaborate:

For example, a smart device, such as a light bulb, may be controlled (e.g., turned off and/or on) via a cell phone or other device connected to the internet. In some cases, the smart device (e.g., light bulb) may even provide feedback to the cell phone. However, this does not mean the light bulb provides a means to access the internet. In other words, a laptop that is in no way connected to the internet cannot use the light bulb to access the internet. The light bulb, while capable of wireless communication, is missing the components and structure to allow a device to connect to the internet via the light bulb. A component having a function within the infrastructure having an RF access point is missing from the disclosure of Sotak et al.

Appeal Br. 10. *See also* Reply Br. 2 (“Stating that a controller is capable of accessing the internet cannot be considered to positively disclose that the connection is achieved through one of the components of the infrastructure.”).

We find this argument unpersuasive. Sotak is directed to a home management system. As the Examiner explains, and as shown in Figure 1 below, Sotak describes, in an exemplary embodiment, that residence 10 includes a residential access point 20.

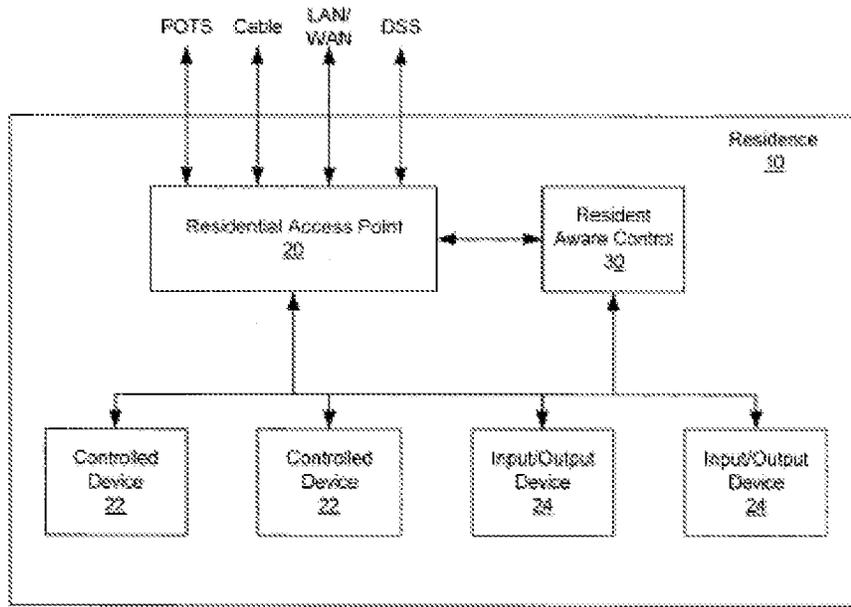


Figure 1

Sotak describes that this residential access point 20 “provides access to the residence 10 for communications/information medias, including for example, POTS (plain old telephone service), cable television, local and/or wide area wired and/or wireless networks (LAN/WAN) and/or digital satellite service (DSS).” Sotak ¶ 48; *see also* Sotak ¶ 40. As also shown in Figure 1, residential access points provides this access to the residence aware controller, the controlled devices, as well as separate input/output devices. These input/output devices include, for example, personal computers, laptop computers, smartphones or the like. Sotak ¶50. As such, Sotak’s system includes a component, i.e. the residential access point 20, configured to provide access to an external internet including the World Wide Web for a separate device, e.g. certain input/output devices.

Appellants' argument that Sotak's residential access point is not part of the first or second infrastructure is likewise unavailing. Notably, claim 15 merely requires a first and second infrastructure including "components having functional purposes" without further limitation on the infrastructure or the functional purpose. In other words, merely having a component having any functional purpose, such as providing access to the internet for the infrastructure, would satisfy the claimed functional purpose. As such, Sotak discloses an infrastructure including a component having a functional purpose and that component providing access to the external internet for a separate device, as required by claim 15.

Accordingly, we affirm the Examiner's decision to reject claims 15, 17, and 18 as anticipated by Sotak.

THE OBVIOUSNESS REJECTION BASED ON BERGMAN, STANFORD AND SOTAK,
Claims 1, 2, 5, and 6

Based on the record before us, we are not persuaded that the Examiner erred in rejecting claims 1, 2, 5, and 6 as unpatentable over Bergman, Stanford, and Sotak.

Appellants argue that Bergman fails to teach the recited access point. Namely, Appellants point out that although Bergman's HVAC controller may access the internet, there is no teaching that other devices may use the HVAC controller to access the internet. Appeal Br. 12. Appellants additionally allege that "[n]either Stanford nor Sotak et al. appear to teach or suggest an HVAC controller, or other infrastructure device, that provides an access point to connect a device directly to the external internet." Appeal Br. 13.

As discussed above, we disagree with respect to Sotak. Sotak teaches a residential access point that provides access to the internet for the resident aware controller and controlled devices as well as a variety of input/output devices. *See, e.g.*, Sotak ¶¶ 40, 48, 50, 52, 55–56; Ans. 5. Sotak’s residential access point 20 is also a component for a heating, ventilation and air conditioning system (HVAC) system or infrastructure. For example, Sotak discloses, similar to Appellants, the desire “to integrate various residential services into a single residential infrastructure” and this may be done, for example, by including a single access point. Sotak, ¶ 6. This at least suggests to a skilled artisan at the time of the invention that Sotak’s residential access point is part of the integrated infrastructures, including the HVAC system. *See also* Fig. 2 (depicting that Sotak’s home automation system includes an HVAC System 46) ¶ 50 (describing that the residential access point is used for controlling the HVAC system). As such, we are not persuaded that Sotak, together with Bergman and Stanford, fails to teach or suggest “one or more RF access points are integrated in the one or more components for a heating, ventilation and air conditioning system” where the access point provides direct access to an external internet including the world wide web from for a separate device, as required by claim 1.

Appellants also assert that “there appears to be no motivation, suggestion or other reason for one of ordinary skill in the art applied to Bergman et al., Stanford, or Sotak et al., to arrive at the device as claimed.” Appeal Br. 13. Appellants blanket assertion, without more, is unavailing. *See, e.g.*, Final Act. 8 (asserting that a skilled artisan would be motivated to combine the prior art references to be able to control communication of various devices through a LAN).

Accordingly, we affirm the Examiner's decision to reject claims 1, 2, 5, and 6 as unpatentable over Bergman, Stanford, and Sotak.

THE REMAINING OBVIOUSNESS REJECTIONS

Claims 3, 4, 7–13, 14, 16, 19 and 20

Appellants present similar arguments as those presented for claims 1 and 15. For example, with respect to independent claim 7, Appellants allege that Sotak fails to teach or suggest “a wireless access point in any of the infrastructures having a functional purpose.” Appeal Br. 15; *see also, e.g.*, Appeal Br. 16–17 (arguing for claim 15 that “Sotak [] do[es] not appear to teach or suggest each and every element of claim 15, from which claim 16 depends.”), Appeal Br. 18–19. For the reasons discussed above, we find Appellants' arguments unpersuasive. Accordingly, we affirm the Examiner's decision to reject claims the remaining claims as unpatentable over the cited combinations of prior art.

DECISION

We affirm the Examiner's decision to reject claims 1–20.

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