UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/706,962	12/06/2012	Ginger CHIEN	2012-0484 (P42746)	5247

83619 7590 09/12/2019

AT & T LEGAL DEPARTMENT - GB
ATTN: PATENT DOCKETING
ROOM 2A212
ONE AT & T WAY
BEDMINSTER, NJ 07921

EXAMINER	
COSME, NATASHA W	

ART UNIT	PAPER NUMBER
2465	

NOTIFICATION DATE	DELIVERY MODE
09/12/2019	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

eOfficeActionDocs@att.com
gbpatent@gbpatent.com
greenblum.bernsteinplc@gmail.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte GINGER CHIEN

Appeal 2018-007337
Application 13/706,962
Technology Center 2400

Before ERIC S. FRAHM, JOHN A. EVANS, and HUNG H. BUI, *Administrative Patent Judges*.

EVANS, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant[1] seeks our review under 35 U.S.C. § 134(a) of the Examiner's Final Rejection of Claims 1–8, 11–13, and 15–23. App. Br. 1. Claims 9, 10, and 14 are canceled. Final Act. 2. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.[2]

---

[1] The Appeal Brief identifies AT&T MOBILITY II LLC, as the real party in interest. App. Br. 3.

[2] Rather than reiterate the arguments of Appellant and the Examiner, we refer to the Appeal Brief (filed December 26, 2017, "App. Br."), the Reply

STATEMENT OF THE CASE

The claims relate to systems and methods for providing a communications service. *See* Abstract.

INVENTION

Claims 1, 19, and 20 are independent. An understanding of the invention can be derived from a reading of illustrative Claim 1, which is reproduced below with some formatting added:

> 1. A method for providing a communication service, the method comprising:
>
> receiving, by a communications device with a processor and a memory, an address for establishing a communication session over a wireless network, the address being input to the communications device;
>
> determining whether the address corresponds to a communication recipient for which health characteristic data of an individual is to be sent to supplement the communication service;
>
> placing a request for the communication session based on the address and awaiting answer of the request;
>
> monitoring the health characteristic data by the communications device while the request is being placed and the answer is awaited after determining that the address corresponds to the communication recipient for which the health characteristic data is to be sent to supplement the

---

Brief (filed July 10, 2018, "Reply Br."), the Examiner's Answer (mailed May 10, 2018, "Ans."), the Final Action (mailed July 26, 2017, "Final Act."), and the Specification (filed December 6, 2012, "Spec.") for their respective details.

communication service, the health characteristic data being data from an environment at a location of the communications device;

establishing the communication session with the communication recipient over the wireless network based on the address after monitoring the health characteristic data;

sending the health characteristic data over the wireless network after establishing the communication session and determining that the address corresponds to the communication recipient for which the health characteristic data is to be sent to supplement the communication service;

identifying additional health characteristic data for the individual by the communications device after establishing the communication session; and

using the additional health characteristic data to update the health characteristic data used to supplement the communication service.

References and Rejections[3]

Haller	US 2001/0051787 A1	Dec. 13, 2001
Wang	US 2008/0063169 A1	Mar. 13, 2008
Park	US 8,036,630 B2	Oct. 11, 2011
Riggs	US 2012/0052834 A1	Mar. 1, 2012

The Claims stand rejected as follows:

1. Claims 1–3, 5–8, 11–13, and 15–23 stand rejected under 35 U.S.C.

[3] The present application is being examined under the pre-AIA first to invent provisions. Final Act. 2.

§ 103 as being unpatentable over Park, Wang, and Haller. Final Act. 3–23.

2. Claim 4 stands rejected under 35 U.S.C. § 103 as being unpatentable over Park, Wang, Haller, and Riggs. Final Act. 23–24.

ANALYSIS

We have reviewed the rejections of Claims 1–8, 11–13, and 15–23 in light of Appellant's arguments that the Examiner erred. We consider Appellant's arguments as they are presented in the Appeal Brief, pages 13–40.

CLAIMS 1–8, 11–13, AND 15–23: OBVIOUSNESS OVER PARK, WANG, HALLER, AND RIGGS.

Appellant argues all claims as a group over the limitations of Claim 1. *See* App. Br. 13. Therefore, we decide the appeal on the basis of representative Claim 1, and refer to the rejected claims collectively herein as "the claims." *See* 37 C.F.R. § 41.37(c)(1)(iv); *In re King*, 801 F.2d 1324, 1325 (Fed. Cir. 1986).

Claim 1 recites, *inter alia*, "receiving, by a communications device with a processor and a memory, an address for establishing a communication session over a wireless network, the address being input to the communications device." Independent Claims 19 and 20 include similar limitations. The Examiner finds Park teaches the address is input to the

communications device. Final Act. 4. However, the Examiner does not identify a specific disclosure of Park, but rather, cites key input unit 25. *Id.*

Appellant contends the address upon which Park's emergency call is to be established is retrieved from a memory, but is not input into the communication device, as claimed. App. Br. 19. Appellant argues the Specification discloses the claimed addresses are detected as inputs from the user via, e.g., an alpha-numeric interface. *Id.* (citing Spec., 21, ll. 13–17; 22, ll. 17–21). Appellant further argues the term "input" must be given its plain meaning. *Id.* at 20. Appellant contends Park does not disclose the input of an address, upon which a communication session is to be established; instead, Appellant argues Park's object of his invention is to enable a user to place an emergency call when the user is unaware of a nation's emergency call number. *Id.* (citing Park, col. 1, ll. 29–39).

In response, the Examiner takes the position that key input unit 25 of Park has an emergency call key which, when operated by the user, outputs key input data. Ans. 3. Citing "the instant application," the Examiner finds "telephony communications may be addressed to 911 or other government service addresses, or help lines or complaint lines. Therefore, pressing of the emergency call key is tantamount to address being input to the communications device." Ans. 3–4 (citing Spec. ¶ 43).

In reply, Appellant contends Park is silent regarding input of addresses, but discloses emergency numbers are pre-stored. Reply Br. 6 (citing Park, col. 3, ll. 5–10). Appellant argues Park discloses the user may be unaware of the emergency call number. *Id.*

The Examiner does not cite Park for a disclosure that a user inputs an address. Instead, the Examiner cites Appellant's own Specification for suggesting that a user might input an address on a keypad. *See* Ans. 3–4 (citing Spec. ¶ 43). However, Appellant's own disclosure cannot be used as prior art against his claims. The Examiner fails to address Appellant's contention that Park discloses pre-stored call numbers. We find no disclosure in the prior art that Park discloses the input of an address, nor does the Examiner so direct our attention.

Because we find the cited art fails to teach at least one claimed limitation, we decline to sustain the rejections of Claims 1–8, 11–13, and 15–23 under 35 U.S.C. § 103.

DECISION

The rejections of Claims 1–8, 11–13, and 15–23 under 35 U.S.C. § 103 is REVERSED.

REVERSED