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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte NARAYANAN ARAVIND, VM DEVADAS,
SREEKANTH V S, and VYAMAJALA RADHA

Appeal 2018-008732
Application 14/707,155
Technology Center 2600

Before ALLEN R. MacDONALD, KALYAN K. DESHPANDE, and
MICHAEL J. ENGLE, *Administrative Patent Judges*.

MacDONALD, *Administrative Patent Judge*.

DECISION ON APPEAL¹

STATEMENT OF CASE²

Appellants appeal under 35 U.S.C. § 134(a) from a final rejection of claims 1–20. We have jurisdiction under 35 U.S.C. § 6(b). We AFFIRM.

¹ Appellants indicate the real party in interest is Ford Global Technologies, LLC. App. Br. 2.

² All citations herein to the “Final Action” are to a Final Action mailed on October 18, 2017.

*Illustrative Claim*³

Illustrative claim 1 under appeal reads as follows (emphases, formatting, and bracketed material added):

1. A system comprising:
 - [A.] a processor configured to:
 - [i.] receive destination input;
 - [ii.] request contact input *from a vehicle occupant* to which notification is to be made when a destination is reached;
 - [iii.] recognize *when a vehicle has reached a destination* specified by the destination input; and
 - [iv.] automatically notify a contact associated with the contact input *when the vehicle reaches the destination*.

Reference

Creech US 2013/0307707 A1 Nov. 21, 2013

*Rejections*⁴

A.

The Examiner rejected claims 1, 3–7, 9, 11–15, and 17–20 under 35 U.S.C. § 103 as being unpatentable over Creech. Final Act. 8–13.

We select claim 1 as the representative claim for this rejection. Separate patentability, in compliance with 37 C.F.R. § 41.37(c)(iv), is not argued for claims 3–7, 9, 11–15, and 17–20 (“Under each heading identifying the ground of rejection being contested, any claim(s) argued

³ All Manual of Patent Examining Procedure (MPEP) citations herein are to MPEP Rev. 08.2017, January 2018.

⁴ The Examiner states, “[t]he rejection of claims 1–20 under 35 USC § 101 [sic] has been withdrawn in view of applicant’s arguments.” Ans. 3.

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separately or as a subgroup shall be argued under a separate subheading that identifies the claim(s) by number.”). Appellants’ independent claim 15 argument (App. Br. 12) does not comply with the rule and has not been considered. Except for our ultimate decision, we do not address the § 103 rejection of claims 3–7, 9, 11–15, and 17–20 further herein.

B.

The Examiner rejects claims 2, 8, 10, and 16 under 35 U.S.C. § 103(a) as being unpatentable over various combinations of Creech and additional references. Final Act. 13–16.

Appellants do not present separate patentability arguments for claims 2, 8, 10, and 16. To the extent that claim 8 is discussed, Appellants merely repeat for claim 8 the *notification occurs before arrival* argument directed to claim 1. We do not construe a repeated argument as an argument for “separate patentability.” Thus, the rejections of these claims turn on our decision as to claim 1. Except for our ultimate decision, claims 2, 8, 10, and 16 are not further addressed herein.

Issue on Appeal

Did the Examiner err in rejecting claim 1 as being obvious?

ANALYSIS

We have reviewed the Examiner’s rejections in light of Appellants’ arguments (Appeal Brief) that the Examiner has erred. We disagree with Appellants’ conclusions. Except as noted below, we adopt as our own (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken and (2) the reasons set forth by the Examiner in the Examiner’s Answer in response to Appellants’ Appeal Brief. We concur

with the conclusions reached by the Examiner. We highlight the following additional points.

A. First Contention

Appellants contend that the Examiner erred in rejecting claim 1 under 35 U.S.C. § 103(a) because:

[In Creech,] the monitoring is activated at a remote location [0011] (such as by a bus passenger). Thus, Creech not only fails to teach or suggest “request contact input *from a vehicle occupant* to which notification is to be made when a destination is reached,” but that limitation does not make sense under the teachings of Creech (because passengers and bus drivers are not taught to, nor would, add contact information of non-passengers).

App. Br. 10.

As to Appellants’ above assertion, we are not persuaded that the Examiner erred. Rather, we agree with the reasons set forth by the Examiner. Particularly:

From page 9 to page 11 second paragraph [of the Appeal Brief], applicant appears to argue Creech’s user is not a vehicle occupant and *is not obvious to modify the user to be a vehicle occupant*. Therefore, Creech fails to teach the claim limitation.

However, the claimed invention is a system or apparatus. According to MPEP section 2114, subsection II states “A claim containing a ‘recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus’ if the prior art apparatus teaches all the structural limitations of the claim”. In other words, the claimed invention of a vehicle occupant inputs the contact information does not structurally differentiate from Creech’s user input monitoring system. . . . The difference is the person who inputs the contact information but the intended use by the vehicle occupant to input the contact information instead of another person does not make the claimed system structurally different than Creech’s monitoring and notification system.

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Ans. 5–6 (emphasis added).

B. Second Contention

Appellants also contend that the Examiner erred in rejecting claim 1 under 35 U.S.C. § 103(a) because:

Applicant points out that Creech states “an advantage of the present invention is that a particular vehicle can be monitored . . . and a user can be notified when the arrival of the vehicle at a predefined destination is imminent.” Thus, the idea of Creech is that notification occurs *before* the vehicle arrives, not *when* the vehicle arrives. This is because, as noted, Creech is about tracking transportation vehicles like busses, and knowing when the bus has actually arrived likely means that it is too late to catch the bus. Thus, the noted limitations are *also* not anticipated by Creech, as Creech is concerned with notification *prior to* arrival, not *upon* arrival.

App. Br. 11 (emphasis modified).

As to Appellants’ above assertion, we are not persuaded that the Examiner erred. Rather, we agree with the reasons set forth by the Examiner. First, we particularly agree:

From page 11, third paragraph to page 12 [of the Appeal Brief], applicant appears to argue Creech fails to teach claim limitation “automatically notify a contact associated with the contact input *when the vehicle reaches the destination*” as recited in claim 1 and similarly presented in claims 7 and 15.

In response, Creech at paragraphs [0042] and [0085] disclose the message system updates and notifies the contact when the vehicle reaches a destination location or within a proximity of the destination. Also depicted in Fig. 7, a vehicle reached destination would satisfies step 151 as being within the proximity of the destination to automatically transmit a message to the contact.

In addition, Creech’s abstract discloses “[w]hen the vehicle is a predetermined proximity from the location identified by the location data (i.e., arrival of the vehicle at the location is imminent), the data manager automatically transmits a

notification message to the user at the remote location.”[] Since the claim language fails to define “the destination” is a point destination or an area destination, then by using broadest reasonable interpretation, the area that triggers the notification of imminent arrival is being interpreted as a destination which meets the claim limitation.

Ans. 6–7 (emphasis added).

Second, we agree with the Examiner’s finding (Final Act. 8) that Creech teaches notification of an impending arrival based on proximity.

When the monitoring mechanism 69 determines that a user should be notified of an impending arrival of a VCU 15, the monitoring mechanism 69 is designed to send a notification command to message manager 82. The notification command may include travel data to be sent to the user, such as data indicating that a particular vehicle is [at] a *certain proximity from the destination defined by the preference data.*

Creech 55 (emphasis added).

For example, the user can be prompted to select a VCU 15, *a destination* (or other particular location), and a notification preference *to indicate a time or distance that the VCU 15 should be from the selected destination or other particular location when a notification is to be sent to the user.* In response, the user specifies, through any known suitable communications technique, which VCU 15 the user wishes the system 10 to monitor and how the user wishes to be notified of an *impending arrival* of the selected VCU 15 at the selected destination.

Creech 57 (emphasis added). Based thereon, the Examiner further reasons that “[i]t is obvious . . . to notify the contact *upon the arrival* of the vehicle.” Final Act. 9. We agree. We conclude that Creech’s “impending arrival” is reasonably suggestive of actual arrival.

C. Other Teachings in Creech

Although not necessary to affirm the Examiner's rejection, we find the following additional teaching (not cited by the Examiner) in Creech suggestive of and/or explicitly teaching the argued claim features:

Thus, generally, it is desirable to know *when a vehicle (such as a bus, truck, train, plane, user, or the like) is* (a) a particular time period (for example, a certain number of minutes or seconds) away from arriving at a destination, (b) a particular distance (for example, number of feet or miles) away from the destination, or (c) *at a particular location* among a set of predetermined location points.

Creech 8 (emphasis added).

First, the example of vehicle including a "user" is suggestive that the user can be a vehicle occupant as claimed.

Second, the statement "it is desirable to know when a vehicle . . . is . . . at a particular location" teaches the claimed "when the vehicle reaches the destination."

CONCLUSIONS

(1) The Examiner has not erred in rejecting claims 1–20 as being unpatentable under 35 U.S.C. § 103(a).

(2) Claims 1–20 are not patentable.

DECISION

The Examiner's rejections of claims 1–20 are 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)(1)(iv).

AFFIRMED