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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte CHAD EVERT ESSELINK, JASON ROBERT BROWN, and
REBECCA HELEN FARRER

Appeal 2018-009079
Application 14/851,816
Technology Center 2100

Before CAROLYN D. THOMAS, MICHAEL J. STRAUSS, and
NABEEL U. KHAN, *Administrative Patent Judges*.

KHAN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to reject claim 18. 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). Appellant identifies the real party in interest as Ford Global Techs. LLC. Appeal Br. 2.

CLAIMED SUBJECT MATTER

Appellant describes the invention as follows:

A vehicle system includes a processor programmed to synchronize a vehicle setting based on a home setting received from a home network. The processor is in communication with the home network via a transceiver. The processor is programmed to establish communication with the home network based on a vehicle start request, receive the home system setting from the home network if a vehicle location is less than a predefined distance, and synchronize one or more vehicle settings based on the home system setting.

Abstract.

Claim 18, reproduced below, is illustrative of the claimed subject matter:

18. A non-transitory computer-readable medium storing instructions that, when executed by a processor, cause the processor to perform a method comprising:

determining that a vehicle, having a predefined association with a home parking space, is within a predefined distance of home;

generating a parking request for a home system;

transmitting the parking request to the home system; and

receiving a confirmation message, sent in response to the home system verifying parking space vacancy.

REFERENCES

The prior art relied upon by the Examiner is:

Name	Reference	Date
Slemmer	US 2004/0254840 A1	Dec. 16, 2004
Ricci	US 2014/0309789 A1	Oct. 16, 2014

REJECTION

Claim 18 stands rejected under 35 U.S.C. § 103 as unpatentable over Slemmer and Ricci. Final Act. 2–5.

OPINION

Claim 18 recites “determining that a vehicle, having a predefined association with a home parking space, is within a predefined distance of home.” The Examiner relies on Slemmer and Ricci as teaching the aforementioned limitation. Final Act. 3–4 (citing Slemmer ¶¶ 41, 50; Ricci, Fig. 20A, ¶ 484); Ans. 3–5 (citing Slemmer ¶¶ 54, 85).

Appellant argues Slemmer “is completely silent on the notion of the vehicle having any predefined relationship with the parking space” and that “Slemmer specifically notes that the usage model thereof is for ‘occasional patrons,’ who are both infrequent users and who have no predefined spots.” Appeal Br. 5 (citing Slemmer ¶¶ 34, 44). Appellant adds that, although Ricci teaches determining that a vehicle is a distance from home, “[t]here is no mention of a predefined association with a parking space” in Ricci. Appeal Br. 6.

We are unpersuaded by Appellant’s argument. Slemmer discloses “parking lot systems that can reserve selected or allocated spaces for occasional users based on an inventory of available spaces prior to when a user arrives at the location.” Slemmer ¶ 5. Slemmer further discloses that “[t]he reservation can be made remotely and the space identifier assigned at this point in time based on the location of available spaces and relayed to the requester (upon payment).” Slemmer ¶ 6; *see also* Slemmer ¶ 41. Finally, Slemmer discloses an embodiment where a tag is issued for each vehicle. Slemmer ¶ 85. The tag is read by a detector positioned proximate to a

parking space and the detector can verify that the space is reserved for the vehicle entering the parking space. Slemmer ¶ 85. Ricci discloses a vehicle control system that synchronizes with a home automation system. Ricci ¶ 484. Ricci teaches that the synchronization can occur “when the vehicle 104 is a predetermined distance from the home.” Ricci ¶ 484.

We agree with the Examiner that Slemmer’s disclosure that a space is reserved for a particular vehicle in advance of the vehicle parking in the space, teaches a “a predefined association with a . . . parking space.” We also agree with the Examiner that Ricci’s disclosure of synchronizing a vehicle control system with home automation system when the vehicle is a predetermined distance from the home teaches “determining that a vehicle . . . is within a predefined distance of home.” Therefore, we also agree with the Examiner that the combination of the two references teaches “determining that a vehicle, having a predefined association with a home parking space, is within a predefined distance of home.”

Appellant argues that reserving a space in advance of parking in the space does not teach a “predefined association with a . . . parking space” because the claimed “generating” and “transmitting” steps of the claim are performed before the space is reserved in Slemmer whereas in the claim these steps are recited after the predefined association. Reply Br. 2–3. We find this argument to be unpersuasive because “[u]nless the steps of a method [claim] actually recite an order, the steps are not ordinarily construed to require one.” *Interactive Gift Express, Inc. v. Compuserve Inc.*, 256 F.3d 1323, 1342 (Fed. Cir. 2001) (citation omitted). Appellant has not provided any evidence from the Specification or claims that a specific ordering of the steps of claim 18 is required. Accordingly, Appellant’s

argument is not commensurate in scope with the claim. Instead, under the broadest reasonable interpretation, Slemmer’s disclosure that the association between the vehicle and the parking space is created in advance of the vehicle parking in the space teaches a “predefined association with a . . . parking space.”

Accordingly, we sustain the Examiner’s rejection of claim 18.

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
18	103	Slemmer, Ricci	18	

TIME PERIOD FOR RESPONSE

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) (2017).

AFFIRMED