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ECKERT SEAMANS CHERIN & MELLOTT, LLC			PENDLETON, DIONNE	
EATON CORPORATION				
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte DARRON KIRBY LACEY

Appeal 2019-000195
Application 14/574,802
Technology Center 2600

Before NORMAN H. BEAMER, ADAM J. PYONIN, and
GARTH D. BAER, *Administrative Patent Judges*.

BAER, *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 1, 3–9, 11–14, and 16–18, which are all pending claims. Appeal Br. 12–14. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

BACKGROUND

A. The Invention

Appellant's invention is directed to “a sensor including a sensing unit structured to sense a condition, a wireless transmitter structured to output a wireless signal in response to the sensing unit sensing the condition, and a battery structured to provide power to operate the sensing unit and the wireless transmitter.” Abstract. Independent claim 1 is representative and reproduced below:

1. A sensor system comprising:
a sensor including:
 - a sensing unit structured to sense a condition;
 - a wireless transmitter structured to output a wireless signal in response to the sensing unit sensing the condition; and
 - a battery structured to provide power to operate the sensing unit and the wireless transmitter; and
 - a control unit including a wireless receiver structured to receive the wireless signal from the sensor, wherein the control unit is structured to electrically connect a power source and an electric device in response to receiving the wireless signal from the sensor, and wherein the condition is motion in a room.

Appeal Br. 12 (Claims Appendix).

¹ We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42. Appellant identifies Eaton Corporation as the real party in interest. Appeal Br. 2.

B. The Rejections on Appeal

The Examiner rejects claims 1, 3, 4, 6–9, and 16–18 under 35 U.S.C. § 103 as unpatentable over Damman (US 2015/0230059 A1; Aug. 13, 2015) and Skotty (US 2016/0027262 A1; Jan. 28, 2016). Final Act. 6.

The Examiner rejects claim 5 under 35 U.S.C. § 103 as unpatentable over Damman, Skotty, and Rouse (US 2013/0341053 A1; Dec. 26, 2013). Final Act. 11.

The Examiner rejects claim 12 under 35 U.S.C. § 103 as unpatentable over Damman, Skotty, and Gilson (US 2015/0266450 A1; Sept. 24, 2015). Final Act. 12.

The Examiner rejects claims 11 and 14 under 35 U.S.C. § 103 as unpatentable over Damman, Skotty, and Fisher (US 2014/0266586 A1; Sept. 18, 2014). Final Act. 13.

The Examiner rejects claim 13 under 35 U.S.C. § 103 as unpatentable over Damman, Skotty, and Rothkopf (US 2015/0022324 A1; Jan. 22, 2015). Final Act. 13.

ANALYSIS

We have reviewed the Examiner’s rejections in light of Appellant’s arguments. Arguments Appellant could have made but chose not to make are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(iv).

A. Obviousness Rejection of Claims 1, 3, 4, 6–9, and 16–18

Appellant argues that “[b]oth of the rationales provided in the Examiner’s answer fail to support the legal conclusion of obviousness.” Reply Br. 2. Particularly, Appellant argues that “one having ordinary skill in the art could not rationally find that Skotty teaches the usefulness of providing electrical power to a light source based on motion detected by the

device 100 of Damman,” because “[t]he device 100 of Damman and the traditional motion sensors 45 of Skotty detect different types of motion and are used in fundamentally different applications.” Reply Br. 2. Appellant contends “the combination simply makes no sense,” and

if the Examiner’s intent with the proposed combination is to deter a thief, it would be more practical to turn on the lights in response to the thief approaching the area, as the motion sensor 45 of Skotty already does, rather than waiting to detect if the thief chooses to move a specific unauthorized object.

Reply Br. 3.

We are not persuaded by Appellant’s arguments. The Examiner finds, and we agree, that

[w]hile Damman is indeed concerned with detecting unauthorized movement of [a television set within a room], the Examiner is relying upon the structural components of the Damman device and is not merely limited to the *intended use* of the Damman system. The Damman prior art recognizes a need for *sensing motion* of an object *within a room, and wirelessly transmitting data* related thereto, to an external receiver (see [identifier] 301 in [F]ig. 2).

Ans. 6–7 (emphasis in original). The Examiner further finds, and we agree, that

Skotty teaches that it is useful to provide electrical power to a light source when motion is detected. For example, the combination of the Damman prior art and the Skotty prior art would yield a system wherein the detection of unauthorized movement of an object within a room, would cause the light fixtures within a room to be illuminated.

Ans. 7; *see, e.g.*, Skotty ¶ 110. The Examiner’s findings are further confirmed by Damman, in which Damman’s device is “placed on a liquor

cabinet door” so that “the owner of the house could then go to work leaving teenagers at home.” Damman ¶ 61. Such a device naturally pairs with the “broad functionality” envisioned by Skotty, in which “control unit 20 can be capable of *collecting and processing images from the camera 30, controlling lighting of the light source units 50, reacting to events such as ambient light levels, motion* or information transmitted to the device.”

Skotty ¶ 110 (emphasis added). One skilled in the art would consider Daman’s and Skotty’s teachings as combinable to document and identify a perpetrator involved in the theft or unauthorized consumption of alcohol from an open liquor cabinet.

Accordingly, we sustain the obviousness rejection of independent claim 1, as well all dependent claims not argued separately. *See* Appeal Br. 10.

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 3, 4, 6–9, 16–18	103	Damman, Skotty	1, 3, 4, 6–9, 16–18	
5	103	Damman, Skotty, Rouse	5	
12	103	Damman, Skotty, Gilson	12	
11, 14	103	Damman, Skotty, Fisher	11, 14	
13	103	Damman, Skotty, Rothkopf	13	

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Overall Outcome			1, 3-9, 11-14, 16-18	
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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