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Shutts & Bowen LLP
Steven M. Greenberg, Esq.
525 Okeechobee Blvd
1100
West Palm Beach, FL 33401

EXAMINER	
CUMMING, WILLIAM D	

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte FILIPE GUERRA and VLADYSLAV KULCHYTSKYY

Appeal 2019-000782
Application 14/687,901
Technology Center 2600

Before DEBRA K. STEPHENS, MICHAEL J. STRAUSS, and NABEEL U. KHAN, *Administrative Patent Judges.*

STRAUSS, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant[1] appeals from the Examiner's decision to reject claims 1–20. *See* Final Act. 1. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

[1] We use the word Appellant to refer to "applicant" as defined in 37 C.F.R. § 1.42. Appellant identifies the real party in interest as SugarCRM, Inc. Appeal Br. 2.

CLAIMED SUBJECT MATTER

The claims are directed to privacy assurance in location based services. Spec., Title. To avoid revealing the actual location of a user, a nearby public facility is presented instead. Claim 1. Claim 1, reproduced below, is illustrative of the claimed subject matter:

> 1. A privacy assurance method for location based services, the method comprising:
>
> computing a location for a mobile device corresponding to an end user of a multi-user enterprise application;
>
> identifying a valid location of the mobile device that is at least a threshold distance from the computed location and that is a public facility; and
>
> blurring the computed location to other end users of the multi-user application by presenting the identified valid location to the other end users in the multi-user enterprise application in lieu of the computed location so as to maintain confidential the computed location while instead revealing as a location of the end user a location that is not the computed location but close to the computed location.

REFERENCE

The prior art relied upon by the Examiner is:

Name	Reference	Date
Jackson	US 8,655,389 B1	Feb. 18, 2014

REJECTION

Claims 1–20 stand rejected under 35 U.S.C. § 102(a)(1) as being anticipated by Jackson. Final Act. 2–10.

OPINION

The Examiner finds Jackson's location blurring in response to a user's proximity to a public location discloses the limitation of identifying a valid location of the mobile device that is at least a threshold distance from the computed location and that is a public facility. Final Act. 3 (citing Jackson col. 4, ll. 51–63, col. 7, ll. 11–17, Fig. 3). The Examiner further finds Jackson's display of a blurred location (i.e., a wider geographic area in which the user is located) discloses the blurring limitation (i.e., *inter alia*, blurring the computed location by presenting the identified valid location to other end users in lieu of the computed location). *Id.* at 3–4 (citing Jackson Figs. 1, 3, 5; col. 4, ll. 39–50). Therefore, the Examiner finds Jackson's blurred location discloses presenting a nearby public facility. According to the Examiner, displaying a wider geographic region "maintain[s] confidential the computed location while instead revealing as a location of the end user a location that is not the computed location but close to the computed location" as required by claim 1. *Id.*

Appellant argues Jackson's blurring of a user's location by depicting an imprecise wide radius in which the user is located, instead of the user's precise location, fails to disclose "**presenting an identified valid location** to the other end users in the multi-user enterprise application **in lieu of the computed location** where the identified valid location is (1) at least a threshold distance from the computed location and (2) that is a public facility." Appeal Br. 8. Appellant argues "[i]n Jackson, an imprecise area that includes the precise location of the end user is shown and Jackson makes no reference to presenting [a] valid location that is a threshold distance from the computed location and a public facility instead of the computed location." *Id.* Appellant alleges Jackson's "reference [to public

places] . . . is not to the blurred location, but to the 'condition' which if satisfied, causes blurring." *Id.* at 9.

We agree the Examiner erred in rejecting the claims as anticipated under 35 U.S.C. § 102(a)(1). In order to anticipate under 35 U.S.C. § 102, a prior art reference must disclose all elements of the claim within the four corners of the document (whether expressly or inherently) arranged as in the claim. *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548 (Fed. Cir. 1983). Jackson discloses a level of location blurring is triggered based on proximity to designated locations such as a public place. Jackson 4:66–5:7. Jackson describes "[b]lurring (or fuzzing) a location may be an intentional introduction of inaccuracies into the location information and/or direction for an entity or intentionally obfuscating the location information of an entity by generalizing a precise location to a larger area or radius of uncertainity." Jackson 3:9–14. Thus, although Jackson describes blurring, Jackson's blurring introduces inaccuracies or generalizes a precise location to a larger area. In contrast, claim 1 recites presenting a *different* location (a valid location) "at least a threshold distance from the computed location . . . that is a public facility."

Although the location of the public place (valid location) might be included within Jackson's blurred location (e.g., expanded geographical area in which the user is located), we find no disclosure that such would necessarily be the case. For example, we might posit a scenario in which a public location is within a threshold distance of a user's computed location so as to trigger location blurring and, if the threshold distance was set equal to or less than a blurred location radius, the public location would be *within* the blurred location. However, in the absence of Jackson's disclosure of such an arrangement, and because we are unable to ascertain from the record

before us that Jackson's public location inherently[2] would be included within an expanded, blurred location, we agree with Appellant that Jackson fails to disclose the argued limitations and, correspondingly, fails to anticipate claim 1.

Because we agree with at least one of the arguments advanced by Appellant, we need not reach the merits of Appellant's other arguments. Accordingly, we do not sustain the rejection of independent claim 1 or, for the same reasons, the rejection of independent claims 7 and 15 under 35 U.S.C. § 102(a)(1) as being anticipated by Jackson or the rejection of dependent claims 2–6, 8–14, and 16–20 which stand with their respective base claims.

CONCLUSION

Claims Rejected	35 U.S.C. §	Basis	Affirmed	Reversed
1–20	102(a)(1)	Jackson		1–20

REVERSED

[2] "[A]nticipation by inherent disclosure is appropriate only when the reference discloses prior art that must *necessarily* include the unstated limitation ...." *Transclean Corp. v. Bridgewood Servs., Inc.*, 290 F.3d 1364, 1373 (Fed. Cir. 2002). "Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *Cont'l Can Co. USA, Inc. v. Monsanto Co.*, 948 F.2d 1264, 1269 (Fed. Cir. 1991). "Inherent anticipation requires that the missing descriptive material is 'necessarily present,' not merely probably or possibly present, in the prior art." *Trintec Indus., Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 1295 (Fed. Cir. 2002) (quoting *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999)).