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Shook, Hardy & Bacon L.L.P. (United Parcel Service, Inc.) 2555 Grand Blvd. Kansas City, MO 64108-2613			HUANG, JAY	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte COREY JACKSON

Appeal 2019-001243
Application 12/144,262
Technology Center 3600

Before JEREMY J. CURCURI, JAMES B. ARPIN, and
ADAM J. PYONIN, *Administrative Patent Judges*.

PYONIN, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's rejection of claims 1, 4–7, 9, 10, 12, 15, and 18, all of the pending claims. Non-Final Act. 2. 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 United Parcel Service of America, Inc. Appeal Br. 3.

STATEMENT OF THE CASE

Introduction

The Application is directed to “shipping an item using an [electronic] envelope by which the carrier may update the information on the envelope throughout the shipping process.” Spec. ¶ 1. Claims 1, 4–7, 9, 10, 12, 15, and 18 are pending. Appeal Br. 3. Claim 1, the sole independent claim, is reproduced below for reference (emphases added):

1. A method for shipping an electronic envelope comprising:
 - receiving, via a carrier computer, a unique identifier of an electronic envelope for shipping an item, wherein (a) the electronic envelope comprises a communications chip and a flexible electronic display and (b) the unique identifier is received from a sender of the electronic envelope;
 - receiving, via the carrier computer, shipping information from the sender of the electronic envelope, wherein the shipping information is to be associated with the unique identifier of the electronic envelope;
 - storing, via the carrier computer, carrier location data for one or more carrier locations, wherein the one or more carrier locations comprises a first carrier location;
 - storing, via the carrier computer, the shipping information in association with the unique identifier;
 - transmitting at least a portion of the shipping information comprising first shipping information and second shipping information from the carrier computer to the communications chip on the electronic envelope* such that the first shipping information and the second shipping information is stored in a non-transitory memory on the electronic envelope;
 - causing display, via the flexible electronic display of the electronic envelope, of the first shipping information stored on the electronic envelope;
 - electronically determining, *via the electronic envelope*, a current location of the electronic envelope as it is being transported through the carrier’s transportation and logistics network;

electronically determining, *via the electronic envelope*, whether the current location of the electronic envelope is one of the one or more carrier locations; and

after determining that the current location is the first carrier location of the one or more carrier locations in the carrier's transportation and logistics network:

automatically retrieving, *via the electronic envelope*, the second shipping information of the at least a portion of the shipping information stored in the non-transitory memory on the electronic envelope, wherein the second shipping information is selected from the at least a portion of the shipping information stored on the electronic envelope based at least in part on a portion of the carrier location data and comprises instructions for handling the electronic envelope at the first carrier location; and

causing display, via the flexible electronic display of the electronic envelope, of the second shipping information retrieved from the non-transitory memory.

The Examiner's Rejection

Claims 1, 4–7, 9, 10, 12, 15, and 18 are rejected under 35 U.S.C. § 103(a) as unpatentable over the combined teachings of Burman (US 2005/0234785 A1; Oct. 20, 2005), Affolter (US 2008/0012721 A1; Jan. 17, 2008), and Olsen (US 2005/0252596 A1; Nov. 17, 2005). Non-Final Act. 5.

ANALYSIS

We have reviewed the Examiner's rejection 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) (2017). Appellant does not separately argue the claims. *See* Appeal Br. 9, 10. We select claim 1 as representative. *See* 37 C.F.R. § 41.37(c)(1)(iv).

We disagree with Appellant that the Examiner erred and adopt as our own the findings and reasons set forth by the Examiner. We add the following primarily for emphasis.

Appellant contends the applied references do not render obvious independent claim 1's recitation that "the electronic envelope operates entirely independently of any external display updating hardware." Appeal Br. 6. Appellant contends, "[i]n contrast, any teaching or suggestion for updating data displayed on an electronic envelope provided by the cited references requires some external updating mechanism that is physically separate from the electronic envelope." Appeal Br. 6–7.

We find Appellant's arguments unpersuasive, as the contentions are not commensurate with the scope of the claim or otherwise show error in the Examiner's rejection.

Regarding claim scope, Appellant has not identified specific limitations that require "shipping information is simultaneously transmitted"² and "the electronic envelope itself can determine" (Appeal Br. 6), or limitations requiring "self-perform[ing] label update . . . independently" and "self-determining a current location" (Appeal Br. 9). Rather, the claim recites that *a portion of* information is transmitted to the electronic envelope, a location is determined *via* the electronic envelope, and information is retrieved *via* the electronic envelope. The claim, consistent with the Specification, requires the electronic envelope perform steps in combination with a carrier computer (i.e., a separate electronic device), and

² We note claim 5 depends from claim 1, and further recites the shipping information is transmitted "to said communications chip on said electronic envelope in periodic intervals." Appeal Br. 13 (Claims App.).

does not preclude further use of another computer at a sorting station. *See, e.g.*, Spec. ¶¶ 11, 46, 49–52, 56, Fig. 1.

Regarding the Examiner’s rejection, we are not persuaded the above-described limitations are distinguishable over the combined teachings of the applied references. *See* Non-Final Act. 8, 9. Appellant contends Burman “utilizes an external display updating device” (Appeal Br. 8); but these contentions appear to disregard³ the Examiner’s reliance on Burman’s teaching of an “alternative configuration” of a shipping label that “includes a processor, and processor-readable memory coupled to the updateable visual display . . . [and] a wireless chipset or radio.” Burman ¶ 76; Non-Final Act. 6. Burman further teaches the processor is used “to provide additional information on the updateable display.” Burman ¶ 78; Non-Final Act. 6. Thus, we agree with the Examiner that Burman teaches processing and displaying “via the electronic envelope,” as recited in claim 1. *See* Ans. 3.

Similarly, we are not persuaded the Examiner errs in finding one of ordinary skill would have had reason to combine the teachings of the applied references to achieve the claimed method. Ans. 4. Burman teaches the updateable display “allows instructive information to be visually displayed in a human-readable form to facilitate proper routing and/or handling of the package.” Burman ¶ 79; Non-Final Act. 5, 6. As further cited by the Examiner, Affolter teaches a flexible electronic display, and Olsen teaches transmitting a sort plan (comprising first and second shipping information) to an electronic shipping tag. Non-Final Act. 8; Affolter ¶ 7; Olsen ¶¶ 45, 54. We agree with the Examiner that one of ordinary skill would have had

³ We note the argument does not provide any citations or quotes from Burman in support of these contentions. *See* Appeal Br. 8.

reason to modify Burman’s teachings with these teachings of Affolter and Olsen to “ensure[] that an operator at the intermediate hub is able to accurately route the package based on displayed information, thus improving the overall efficiency of the invention.” Non-Final Act. 9; Olsen ¶¶ 2, 45; Burman ¶ 79. Appellant has not shown such modification to be “uniquely challenging or difficult for one of ordinary skill in the art” or “represented an unobvious step over the prior art.” *Leapfrog Enters., Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007).

Accordingly, we are not persuaded the Examiner’s obviousness rejection is in error.

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/ Basis	Affirmed	Reversed
1, 4–7, 9, 10, 12, 15, 18	103(a)	Burman, Affolter Olsen	1, 4–7, 9, 10, 12, 15, 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).

AFFIRMED