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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-----------------------|---------------------|------------------|
| 14/630,760  | 02/25/2015  | Mark Anthony Rockwell | 83501801            | 6256             |
| 28395   | 7590        | 10/02/2019            | EXAMINER            |                  |
| BROOKS KUSHMAN P.C./FGTL<br>1000 TOWN CENTER<br>22ND FLOOR<br>SOUTHFIELD, MI 48075-1238 |             |                       | NGUYEN, BAO LONG T  |                  |
|   |             |                       | ART UNIT            | PAPER NUMBER     |
|   |             |                       | 3664                |                  |
|   |             |                       | NOTIFICATION DATE   | DELIVERY MODE    |
|   |             |                       | 10/02/2019          | ELECTRONIC       |

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* MARK ANTHONY ROCKWELL and  
DOUGLAS RAYMOND MARTIN

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Appeal 2019-001785  
Application 14/630,760  
Technology Center 3600

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Before PHILLIP J. KAUFFMAN, DAVID M. KOHUT, and  
JEREMY M. PLENZLER, *Administrative Patent Judges*.

KOHUT, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant<sup>1</sup> appeals from the Examiner's decision to reject<sup>2</sup> claims 15–22.<sup>3</sup> We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

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<sup>1</sup> 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 Ford Global Technologies, LLC. App. Br. 2.

<sup>2</sup> The Final Rejection mailed on April 3, 2018, is the fourth rejection of the pending claims.

<sup>3</sup> Claims 1–14 have been withdrawn from consideration. Non-Final Rejection mailed Oct. 20, 2016, at 2.

## INVENTION

Claim 15 is the sole independent claim on appeal, and is illustrative. We reproduce it below.

15. A system comprising:
  - a processor configured to:
    - detect a vehicle condition associated with a warning light;
    - obtain explanatory information explaining a warning-light cause;
    - present the explanatory information via a vehicle display;
    - present a data-transfer option in conjunction with the displayed explanatory information; and
  - upon selection of the data-transfer option, transfer data, relating to a system causing the warning light, from a vehicle to a mobile device.

## REJECTIONS

Claims 15–17, 21, and 22 stand rejected under 35 U.S.C. § 103 as unpatentable over Taki (US 2005/0021200 A1, publ. Jan. 27, 2005). Final Act. 5–11.

Claims 18 and 19 stand rejected under 35 U.S.C. § 103 as unpatentable over Taki and Yoshida (US 6,493,557 B1, iss. Dec. 10, 2002). Final Act. 11–13.

Claim 20 stands rejected under 35 U.S.C. § 103 as unpatentable over Taki and Nagata (US 2008/0316009 A1, publ. Dec. 25, 2008). Final Act. 14–15.

## ANALYSIS

Independent claim 15 recites the step of “present[ing] a data-transfer option in conjunction with the displayed explanatory information.”<sup>4</sup> The

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<sup>4</sup> Claims 16–22 are dependent upon claim 15.

Examiner finds that this step is satisfied by Taki’s teaching to present reservation button 13b on the display screen displaying the abnormality countermeasure information to the driver. Final Act. 6–7. Claim 15 further recites, “upon selection of the data-transfer option, transfer[ring] data, relating to a system causing the warning light, from a vehicle to a mobile device.” The Examiner finds that this step is satisfied by Taki’s transfer of the failure or diagnostic information from the vehicle to the control center 20.<sup>5</sup> Final Act. 7–8; Ans. 3. Claims 16–22 are dependent upon claim 15.

Appellant argues that the transfer of information is not accomplished “upon selection of a data-transfer option,” as claimed. App. Br. 5; Reply Br. 2. Specifically, Appellant contends that the reference teaches that the data is transferred regardless of whether the reservation button is selected or not. App. Br. 5. For the reasons that follow, we agree with Appellant.

Appellant contends, and we agree, that when the driver touches Taki’s reservation button 13b, all that is transmitted to control center 20 is reservation information related to setting a time and date for an appointment with the dealer. App. Br. 5; *see also* Taki ¶¶ 86, 92. Additionally,

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<sup>5</sup> Taki states that “by incorporating a command for transmitting the failure information (diagnostic information) into an operation button (e.g., ‘return’ button and ‘forward’ button) . . . and the . . . abnormality information transmission program can be performed due to the touch operation of the operation button performed by the user.” Taki ¶ 88. Although the Examiner explains how Taki discloses this embodiment having an operation button (e.g., the “return” and the “forward” button) that transfers failure or diagnostic information, the Examiner explicitly states that this alternative embodiment is not relied upon as corresponding to transfer of diagnostic information. Final Act. 3; Ans. 4. This decision addresses only the Examiner’s finding with respect to whether Taki’s reservation button 13b corresponds to the recited “data transfer option,” and takes no position on whether the “return” or “forward” button would meet that limitation.

Appellant contends, and we agree, that although the vehicle transmits the failure information to the control center 20 after an appointment is reserved, this is done only after the dealer requests the information. App. Br. 5; *see generally* Taki ¶¶ 96–114. Therefore, the Examiner has failed to adequately show how the reference teaches transferring data “upon selection of the data-transfer option,” as recited in claim 15.

The additional references are not cited to teach or suggest this limitation and we will not engage in any inquiry as to whether the additional references cure the noted deficiencies. Therefore, for the reasons stated *supra*, we cannot sustain the rejection of claim 15 or claims 16–22 which depend upon claim 15, for the reasons indicated above.

#### CONCLUSION

In summary:

| <b>Claims Rejected</b> | <b>Basis</b> | <b>Affirmed</b> | <b>Reversed</b>   |
|------------------------|--------------|-----------------|-------------------|
| 15–17, 21, and 22      | § 103        |                 | 15–17, 21, and 22 |
| 18 and 19              | § 103        |                 | 18 and 19         |
| 20                     | § 103        |                 | 20                |
| <b>Overall Outcome</b> |              |                 | 15–22             |

REVERSED