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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte STEPHEN JOHN SHEPHERD

Appeal 2019-002181
Application 14/954,660
Technology Center 2800

Before JEFFREY B. ROBERTSON, MONTÉ T. SQUIRE, and
MERRELL C. CASHION, JR., *Administrative Patent Judges*.

CASHION, *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 claims 1–13, 19, and 20. 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 Eaton Intelligent Power Limited as the real party in interest. Appeal Br. 2.

The invention relates generally to control of devices including lighting fixtures and more particularly to provisioning, configuring and operating a Digital Addressable Lighting Interface (DALI) network system. Spec. ¶ 1. According to the Specification, a DALI controller typically assigns addresses to the DALI devices that are installed on the DALI network. *Id.* ¶ 3. However, identifying individual DALI devices or groups of DALI devices based on addresses assigned by the DALI controller may be time consuming when a large number of DALI devices are installed on the DALI network and/or when the DALI controller assigns the addresses independently of user control. *Id.* The invention is said to facilitate provisioning, configuration and operation including identification of installed individual DALI devices and groups of DALI devices. *Id.* ¶ 4. Claim 1 is illustrative of the subject matter claimed and is reproduced below (formatting added):

1. A method of configuring and managing a Digital Addressable Lighting Interface (“DALI”) network, the method comprising:

displaying rows of cells on a display of a mobile device, wherein DALI network addresses are associated with the cells prior to DALI devices on a DALI network being associated with the cells;

selecting, by the mobile device, a DALI controller, wherein the DALI controller is connected to the DALI network;

detecting, by the DALI controller, the DALI devices that are on the DALI network, wherein the DALI devices are controllable by the DALI controller, wherein the DALI controller is configured to detect the DALI devices in response to the step of selecting the DALI controller from a list of one or more DALI controllers displayed on the display of the mobile device and wherein at least one DALI device of the DALI devices is assignable to a DALI group; and

displaying, within some or all cells in the row of cells displayed on the display of the mobile device, DALI device icons representing the DALI devices, wherein each cell having a DALI device icon displayed therein is associated with an address of a respective DALI device on the DALI network.

Independent claim 14 is directed to a method similar to the method of claim 1 but including additional features. Independent claim 19 recites a computer program to execute the method of claim 1.

Appellant requests review of the following rejections from the Examiner's Non-Final Office Action dated February 5, 2018 (*see generally* Appeal Br.):

I. Claims 1, 2, 4, 8–12, 19, and 20 rejected under 35 U.S.C. § 103 as unpatentable over Pharos (Pharos Architectural Control Limited, Pharos Designer User Manual, 06/22/2009, v.1.6, pg.47–54).

II. Claim 3 rejected under 35 U.S.C. § 103 as unpatentable over Pharos and Yen (US 2015/0223308 A1, published August 6, 2015).

III. Claim 5 rejected under 35 U.S.C. § 103 as unpatentable over Pharos and Kim (US 2012/0212140 A1, published August 23, 2012).

IV. Claims 6 and 7 rejected under 35 U.S.C. § 103 as unpatentable over Pharos and Jacob (US 2008/0092075 A1, published April 17, 2008).

V. Claim 13 rejected under 35 U.S.C. § 103 as unpatentable over Pharos and Chandler (US 7,307,542 B1, issued December 11, 2007).

OPINION²

Rejection I

After review of the positions the Appellant provides in the Appeal and Reply Briefs and the Examiner provides in the Non-Final Action and the

² We limit our discussion to independent claim 1. We note that independent claims 14 and 19 recite similar limitations to those recited in claim 1. Therefore, our discussion applies equally to these claims.

Answer, we REVERSE the Examiner's prior art rejections of claims 1–13, 19, and 20 under 35 U.S.C. § 103 for essentially the reasons Appellant presents. We add the following for emphasis.

CLAIM INTERPRETATION

As a preliminary matter, our review of the Examiner's analysis requires that the claims must first be construed to define the scope and meaning of each contested limitation. *See Gechter v. Davidson*, 116 F.3d 1454, 1457 (Fed. Cir. 1997).

Claim 1 recites:

selecting, by the mobile device, a DALI controller,
wherein the DALI controller is connected to the DALI network;

detecting, by the DALI controller, the DALI devices that
are on the DALI network, wherein the DALI devices are
controllable by the DALI controller, wherein the DALI
controller is configured to detect the DALI devices in response
to the step of selecting the DALI controller from a list of one or
more DALI controllers displayed on the display of the mobile
device and wherein at least one DALI device of the DALI
devices is assignable to a DALI group.

To give proper weight to the evidence of record and the respective positions of Appellant and the Examiner, we must first determine what does “selecting, by the mobile device, a DALI controller” and the “detecting” function of the DALI controller mean. Thus, our review of the grounds of rejection of the appealed claims necessarily entails the interpretation of the scope of the appealed claims, giving the broadest reasonable interpretation to the terms thereof consistent with the written description provided in Appellant's Specification as it would be interpreted by one of ordinary skill in this art. *See In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997).

Terms in the appealed claims must be given their broadest reasonable interpretation including the ordinary meaning unless another meaning is intended by Appellant as established in the written description of their Specification. *See, e.g., In re Zletz*, 893 F.2d 319, 321–22 (Fed. Cir. 1989). When the Specification does not contain an express definition, a reasonable, supported interpretation of the appealed claims that differs from that urged by Appellant can be used to determine the patentability of the claims. *Morris*, 127 F.3d at 1055–56 (“Absent an express definition in their specification, the fact that appellants can point to definitions or usages that conform to their interpretation does not make the PTO’s definition unreasonable when the PTO can point to other sources that support its interpretation.”). Indeed, “[i]t is the applicants’ burden to precisely define the invention, not the PTO’s. *See* 35 U.S.C. § 112 ¶ 2 [statute omitted].” *Morris*, 127 F.3d at 1055–56.

A. *“selecting, by the mobile device, a DALI controller”*

The Specification discloses that a mobile device is connected to a DALI controller and the DALI controller is communicably coupled to DALI devices. Spec. ¶ 36. In claim 1, the mobile device is used to select a desired controller connected to DALI devices. According to the Specification, the mobile device may execute code to process a user’s input provided via a display to select the DALI controller/loop chosen by the user for further interactions and operations. Spec. ¶ 70.

Based on this disclosure, we interpret the claim language “selecting, by the mobile device, a DALI controller” as reciting that the mobile device executes a code to select a DALI controller.

B. “detecting, by the DALI controller, the DALI devices that are on the DALI network wherein the DALI devices are controllable by the DALI controller, wherein the DALI controller is configured to detect the DALI devices in response to the step of selecting the DALI controller . . .”

The Specification discloses that “[t]he DALI controller is configured to detect the DALI devices in response to a request from the mobile device.” Spec. ¶ 18, (emphasis omitted). Paragraphs 71–78 of the Specification describe a process of detecting devices using a DALI controller that also involves a mobile device executing a code.

Based on this disclosure, we interpret the claimed “detecting” function of the DALI controller as identifying the DALI devices that are controllable by a selected DALI controller via execution of a code.

THE REJECTIONS

Claim 1

The Examiner finds Pharos teaches a method of configuring and managing a Digital Addressable Lighting Interface (“DALI”) network that differs from the claimed invention in that Pharos does not disclose a DALI controller configured to detect the DALI devices as claimed. Non-Final Act. 3–5. However, the Examiner finds that “Pharos appears to disclose manually actuating/clicking the ‘Find addressed ballast’ button to perform the step of detecting.” *Id.* at 5.³ The Examiner determines that “it would have been obvious to one ordinarily skilled in the art to modify Pharos to automatically find addressed ballast[s] upon selection of [a] DALI interface in the top drop down menu” because broadly providing a mechanical or

³ A ballast is a DALI device or part of a DALI device. Spec. ¶ 27.

automatic means to replace manual activity to accomplish the same result involves only routine skill in the art. Non-Final Act. 5 (citing *In re Venner*, 262 F.2d 91, 95 (CCPA 1958)). That is, the Examiner determines that it would have been obvious to one of ordinary skill in the art to configure Pharos's controller to detect/identify the DALI devices controlled by the particular DALI controller as claimed.

There is no dispute that Pharos fails to disclose a DALI controller configured to detect DALI devices as claimed but, instead, discloses manually actuating/clicking the "Find addressed ballast" (i.e., find DALI devices) button to perform the step of detecting. Appeal Br. 4–5; Non-Final Act. 5; Pharos 48. Appellant contends that one skilled in the art would not modify Pharos to "automatically" find addressed ballasts in response to a selection of a DALI interface (i.e., DALI controller) because Pharos discloses that a DALI-M Expansion Module must already be added to the system and assigned to the DALI interface before ballasts can be detected in response to the "Find addressed ballast" module command. Appeal Br. 5; Pharos 47–48. According to Appellant, "requiring a DALI-M Expansion Module to be added and assigned to a DALI interface before using the 'Find addressed ballast' command is different from requiring a DALI-M Expansion Module to be added and assigned to a DALI interface before selecting the DALI interface." Reply Br. 4. Thus, Appellant asserts that Pharos does not teach that a user must first select a DALI interface before adding a DALI-M Expansion Module or assigning a DALI-M Expansion Module to a DALI interface and that the Examiner's modification of Pharos imposes on the user the requirement that a DALI-M Expansion Module must be added and assigned to a DALI interface before the DALI interface can be

selected by a user. Appeal Br. 5. Appellant additionally argues that Pharos teaches that selected DALI interfaces may need to be configured before actuating/clicking the “Find addressed ballast” button to find addressed ballasts. Appeal Br. 5–6; Pharos 47–48. Appellant contends that modifying Pharos to automatically find the ballasts in response to selecting a DALI interface forecloses the opportunity to configure the DALI interface after the selection of the DALI interface and before finding addressed ballasts. Appeal Br. 6.

We agree with Appellant that there is reversible error in the Examiner’s determination of obviousness. The Examiner bears the initial burden of presenting a prima facie case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992). “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006), *quoted with approval in KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007). The fact finder must be aware “of the distortion caused by hindsight bias and must be cautious of arguments reliant upon *ex post* reasoning.” *KSR*, 550 U.S. at 421 (citing *Graham v. John Deere Co.*, 383 U.S. 1, 36 (1966) (“warning against a ‘temptation to read into the prior art the teachings of the invention in issue’”)).

The premise of the Examiner’s rejection is that “[Pharos’s] ‘configuring the DALI interface’ is in reference to ballast configuration, and the modification of replacing [Pharos’s] manual activity of actuating/clicking on the Find Addressed Ballast with performing the function upon selection of the interface would speed this process up, as it

eliminates one manual step.” Ans. 3–4.⁴ According to the Examiner, this modification “broadly provid[es] a mechanical or automatic means to replace manual activity which [accomplishes] the same result [through] only routine skill in the art.” Non-Final Act. 5; *see Venner* 262 F.2d at 95 (holding that “broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art”).

Here, the Examiner’s reliance on *Venner* amounts to little more than a per se rule of obviousness. Such rules are disfavored by our reviewing court. *See In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995). Assuming arguendo that Pharos’s manual step can be automated, the Examiner still does not explain how one skilled in the art would configure Pharos’s DALI controller to perform this step in an automated fashion and arrive at the claimed invention. *Cf. Typhoon Touch Techs., Inc. v. Dell, Inc.*, 659 F.3d 1376, 1380 (Fed. Cir. 2011) (discussing *Microprocessor Enhancement Corp. v. Texas Instruments, Inc.*, 520 F.3d 1367 (Fed. Cir. 2008)). The Examiner provides no analysis with respect to the capability of Pharos’s DALI controller to perform such a step. In fact, the Examiner does not point to any portion of Pharos or provide an adequate technical explanation to support the assertion that “‘configuring the DALI interface’ is in reference to ballast configuration.” Ans. 3. In addition, the Examiner does not explain sufficiently whether such a modified Pharos’s DALI controller would have been suitable for Pharos’s purposes.

⁴ Examiner’s Answer is incorrectly paginated with all pages are marked as page 7. For the purposes of this Opinion, we refer to the pages of the Answer beginning with the title page “Examiner’s Answer” as page 1.

Thus, the Examiner does not explain adequately how one skilled in the art, absent impermissible hindsight, would modify Pharos's controller to arrive at the claimed invention.

Accordingly, we reverse the Examiner's prior art rejections of claims 1-13, 19, and 20 under 35 U.S.C. § 103 for the reasons Appellant presents and we provide above.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 2, 4, 8-12, 19, 20	103	Pharos		1, 2, 4, 8-12, 19, 20
3	103	Pharos, Yen		3
5	103	Pharos, Kim		5
6, 7	103	Pharos, Jacob		6, 7
13	103	Pharos, Chandler		13
Overall Outcome				1-13, 19, 20

REVERSED