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Greenberg Traurig, LLP 77 W. Wacker Drive Suite 3100 CHICAGO, IL 60601-1732			PHILLIPS, III, ALBERT M	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte PAUL OGAZ,
ARSHAM HATAMBEIKI, and PATRICK H. HAYES

Appeal 2019-002959
Application 15/417,362
Technology Center 2100

Before CARL W. WHITEHEAD JR., NABEEL U. KHAN, and
MICHAEL J. ENGLE, *Administrative Patent Judges*.

ENGLE, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant¹ appeals under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1–6, which are all of the claims pending in the application. 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(a). Appellant identifies Universal Electronics Inc. as the real party in interest. Appeal Br. 2.

TECHNOLOGY

The application relates to “the configuration of home appliance systems” and “recommending equipment expansions.” Spec. 3:6–9.

ILLUSTRATIVE CLAIM

Claim 1 is illustrative and reproduced below with certain limitations at issue emphasized and spacing added:

1. A system for checking appliance compatibility, comprising:
a smart device having a product recommendation application and
a universal remote control application resident thereon;
and

a server device having an associated data repository in which is maintained for each of a plurality of appliances an appliance record comprising one or more features for the corresponding appliance;

wherein the product recommendation application resident on the smart device includes programming

for causing the smart device to provide to the server device a first information, wherein the first information functions to identify a first appliance being considered for integration into a system which includes a second appliance that is currently controllable via use of the remote control application resident on the smart device,

for obtaining from the universal remote control application resident on the smart device second information wherein the second information comprises data indicative of command data set from within a library of command data sets that is appropriate for commanding functional operations of the second appliance, and

for causing the smart device to provide to the server device the second information; and

wherein the server device includes programming

for causing the first information to be used to extract from the data repository one or more features for an appliance corresponding to the first information,

for causing the second information to be used to extract from the data repository one or more features for an appliance corresponding to the second information,

for determining if the one or more features for the appliance corresponding to the first information as extracted from the data repository and the one or more features of the appliance corresponding to the second information as extracted from the data repository indicate that the appliance corresponding to the first information is compatible for integration into the system which includes the appliance corresponding to the second information, and

for providing to the product recommendation application a result of the determination for presentation to a user via use of the smart device.

REFERENCES

The Examiner relies on the following prior art references:

Name	Number	Date
Amron	US 2008/0180302 A1	July 31, 2008
Kemink	US 7,574,693 B1	Aug. 11, 2009
Koike	US 8,606,651 B2	Dec. 10, 2013
Shteyn	WO 00/28436 A1	May 18, 2000
Yuh	US 2006/0200538 A1	Sept. 7, 2006

REJECTIONS

Claims 1–3 and 5 stand rejected under 35 U.S.C. § 103 as obvious over Koike, Amron, and Yuh. Non-Final Act. 2.

Claims 4 and 6 stand rejected under 35 U.S.C. § 103 as obvious over Koike, Amron, Yuh, Kemink, and Shteyn. Non-Final Act. 7–8.

ISSUE

Did the Examiner err in finding the combination of Koike and Amron teaches or suggests “a smart device” and “a universal remote control application resident thereon,” as recited in claim 1?

ANALYSIS

Claim 1 recites “a smart device” and “a universal remote control application resident thereon.”

The Examiner finds that Koike’s “set-top box is a smart device” and Amron discloses “a set top box 1420 that is configured to receive wireless signals . . . from the universal remote control 1410.” Non-Final Act. 2, 4 (quoting Amron ¶ 75). The Examiner determines that “[i]t would have been obvious . . . to modify the smart device (set top box) in Koike to include universal remote control application resident thereon as taught by Amron” and “[t]he motivation would have been to allow a user to conveniently control the set top box with one remote thereby saving time by not having to keep up with multiple remotes.” *Id.* at 5.

Although we agree with the Examiner that it would have been obvious to use Amron’s universal remote control *device* with Koike’s system, we also agree with Appellant that the Examiner fails to explain why it would have been obvious to add a universal remote control *application* on Koike’s set top box. Appeal Br. 4–5; Reply Br. 2–3. “[B]ecause the universal remote is intended to transmit the same commands as the OEM remote control, one of [ordinary] skill in the art would have . . . understood that the controllable appliance [i.e., Koike’s set top box] does not need to be modified” Reply Br. 2. Thus, although it may be obvious to have a universal remote control “application” on the universal remote control

device transmitting commands (e.g., to specify which other devices need to be controlled and what commands control them), the Examiner has not sufficiently explained why it would have been obvious to add such an application to devices receiving commands from a universal remote control.

The Examiner does not rely on the additional cited references to cure the deficiency of the Koike/Amron combination discussed above.

Accordingly, we are constrained to reverse the Examiner's rejections of claim 1 and its dependent claims 2–6.

OUTCOME

The following table summarizes the outcome of each rejection:

Claims Rejected	35 U.S.C. §	References	Affirmed	Reversed
1–3, 5	103	Koike, Amron, Yuh		1–3, 5
4, 6	103	Koike, Amron, Yuh, Kemink, Shteyn		4, 6
Overall				1–6

REVERSED