UNITED STATES PATENT AND TRADEMARK OFFICE

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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 JASON PALMER, MARK FREITAS, DANIEL A. DENINGER,
DAVID FORNEY, SLAVEN SLJIVAR, ALEKH VAIDYA, and
JEFFREY GRISWOLD

_____

Appeal 2019-003231
Application 15/151,877
Technology Center 3600

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Before KENNETH G. SCHOPFER, BRADLEY B. BAYAT, and
ROBERT J. SILVERMAN, *Administrative Patent Judges*.

SILVERMAN, *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 rejecting claims 1, 7–14, and 20–26, and 28–31. An
oral hearing was held on July 30, 2020. We have jurisdiction under
35 U.S.C. § 6(b).

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[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
SmartDrive Systems, Inc. Appeal Br. 2.

We REVERSE.

ILLUSTRATIVE CLAIM

1. A system configured to capture information based on detected vehicle events, the system configured to couple with a vehicle, the system comprising:

electronic storage configured to electronically store information, wherein the electronic storage is carried by the vehicle;

a set of sensors configured to generate output signals conveying information related to current operating conditions of the vehicle, wherein the set of sensors is carried by the vehicle;

a set of cameras configured to capture image data, wherein the set of cameras is carried by the vehicle, wherein the set of cameras includes a first camera, a second camera, and a third camera configured to capture image data, and wherein the set of cameras includes at least one interior camera configured to capture visual information inside the vehicle; and

one or more processors configured to:

determine the current operating conditions of the vehicle while the vehicle is in motion, wherein determination is based on the generated output signals;

detect vehicle events while the vehicle is in motion based on driving maneuvers the vehicle is performing, wherein detection of the vehicle events is based on the determined current operating conditions related to information conveyed by the generated output signals from at least two different sensors in the set of sensors, wherein the driving maneuvers include one or more of swerving, a U-turn, freewheeling, over-revving, lane-departure, short following distance, imminent collision, unsafe turning that approaches rollover, hard braking, rapid acceleration, idling, driving outside a geofence boundary, crossing double-yellow lines, passing on single-lane roads, a certain number of lane changes within a certain amount of time or distance, fast lane

change, cutting off other vehicles during lane-change speeding, running a red light, and/or running a stop sign, wherein the detected vehicle events include a first vehicle event, a second vehicle event, and a third vehicle event;

determine a first event type for the first vehicle event based on a first driving maneuver the vehicle is performing, a second event type for the second vehicle event based on a second driving maneuver the vehicle is performing, and a third event type for the third vehicle event based on a third driving maneuver the vehicle is performing, wherein the first, second, and third event types are different event types corresponding to different driving maneuvers;

responsive to detection of the first vehicle event, and based on the first event type, select a first subset of cameras from the set of cameras, wherein the first subset of cameras includes the first camera and excludes at least one of the second and third cameras;

responsive to detection of the second vehicle event, and based on the second event type, select a second subset of cameras from the set of cameras, wherein the second subset of cameras includes the second camera and excludes at least one of the first and third cameras;

responsive to detection of the third vehicle event, and based on the third event type, select a third subset of cameras from the set of cameras, wherein the third subset of cameras includes the third camera and excludes at least one of the first and second cameras;

capture first image data by the first subset of cameras proximate in time to the first vehicle event;

capture second image data by the second subset of cameras proximate in time to the second vehicle event;

capture third image data by the third subset of cameras proximate in time to the third vehicle event;

    generate a first event record associated with the first vehicle event, wherein the first event record includes the captured first image data;

    generate a second event record associated with the second vehicle event, wherein the second event record includes the captured second image data;

    generate a third event record associated with the third vehicle event, wherein the third event record includes the captured third image data;

    store the first, second, and third event record in the electronic storage; and

    transmit the first, second, and third event records from the electronic storage to a remote server that is external to the vehicle.

REFERENCES

Name	Reference	Date
Cook et al. ("Cook" herein)	US 2010/0191411 A1	July 29, 2010
Tseng	US 2013/0208119 A1	Aug. 15, 2013
Lambert et al. ("Lambert" herein)	US 2015/0088335 A1	Mar. 26, 2015

REJECTIONS

I. Claims 1, 7, 8, 10–14, 20, 21, and 23–26, and 28–30 are rejected under 35 U.S.C. § 103 as unpatentable over Lambert.[2]

II. Claims 9 and 22 are rejected under 35 U.S.C. § 103 as unpatentable over Lambert and Tseng.[3]

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[2] The Final Action (at page 3) inadvertently states that Rejection I includes claims 9, 22, 27, and 31.

[3] The Final Action (at page 9) inadvertently omits the reliance on Lambert, in addition to Tseng, in rejecting claims 9 and 22.

III.   Claim 31 is rejected under 35 U.S.C. § 103 as unpatentable over Lambert and Cook.

FINDINGS OF FACT

The findings of fact relied upon, which are supported by a preponderance of the evidence, appear in the following Analysis.

ANALYSIS

The Appellant argues: "The rejection of independent claim 1 based on Lambert is erroneous and must be reversed at least because none of the cited references teach or suggest selecting a subset of cameras based on a vehicle event type." Appeal Br. 7 (citing Final Action 5–6). The Appellant's argument refers to the following limitations recited in claim 1:

> responsive to detection of the first vehicle event, and based on the first event type, select a first subset of cameras from the set of cameras, wherein the first subset of cameras includes the first camera and excludes at least one of the second and third cameras;
>
> responsive to detection of the second vehicle event, and based on the second event type, select a second subset of cameras from the set of cameras, wherein the second subset of cameras includes the second camera and excludes at least one of the first and third cameras; [and]
>
> responsive to detection of the third vehicle event, and based on the third event type, select a third subset of cameras from the set of cameras, wherein the third subset of cameras includes the third camera and excludes at least one of the first and second cameras.

According to the Appellant, these features are not disclosed in Lambert, which the Examiner relies upon for such teaching. *Id.* at 9–14. Lambert discloses the creation of an "event manifest" containing a "minimum event data set," relating to a vehicle event, such as a "possible collision event."

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Lambert ¶ 20. Lambert further discloses that an "event manifest" may include video data. *Id.* ¶ 27. Yet, the Appellant argues: "Lambert does not appear to describe any kind of selection of cameras, much less subsets of cameras," as claim 1 requires. Appeal Br. 12.

Responding to the Appellant's argument, the Examiner maintains that Lambert's paragraphs 17, 20, and 22, and Figure 4 teach the identified limitations:

> As seen in figure 4 and described in cited paragraph(s) 20 and 22, the video data recorder receives sensor data in step 400 and determines an event type based on the data in steps 402 and 404. In step 406, a **minimum** event data set is determine[d] based on the event type and comprises a **subset** of the data, i.e., only the data necessary. Paragraph(s) 17 lists the data that can be captured by the vehicle and included in the minimum event data set, including internal and external video cameras. In step 408, an event manifest is created with the event identifier, event type, and minimum event data set as disclosed in paragraph(s) 22 to be sent to a remote server (vehicle data server). Therefore, as summarized in figure 4, the vehicle event recorder on the vehicle receives sensor data, detects vehicle events, determines the event type based on the sensor data, selects the minimum event data set, including necessary camera data proximate the even, based on the event type and creates a vehicle event manifest comprising the event identifier, event type, and minimum event data set. One of ordinary skill in the art would interpret Lambert as disclosing that an event manifest created for one event would include video data from one camera and not a second camera, and another event manifest created for a second event would include data from the second camera and not the first.

Answer 4.

However, as the Appellant points out, Lambert does not disclose selecting any "subset of cameras from the set of cameras," as claim 1 recites.

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Reply Br. 6. We see no express disclosure of such a selection, in the cited portion of the reference, and the Examiner does not explain adequately why one of ordinary skill in the art would interpret Lambert to include such a selection of a subset of cameras.

Accordingly we do not sustain the rejection of independent claim 1. For the same reason (*see* Appeal Br. 14, Answer 5), we also do not sustain the rejection of independent claim 14, the only other independent claim in the Appeal.

None of the other references is applied to overcome the identified deficiency in Lambert. *See* Final Action 10–11.

Therefore, we do not sustain the rejection of claims 1, 7–14, 20–26, and 28–31 under 35 U.S.C. § 103.

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 7, 8, 10–14, 20, 21, 23–26, 28–30	103	Lambert		1, 7, 8, 10–14, 20, 21, 23–26, 28–30
9, 22	103	Lambert, Tseng		9, 22
31	103	Lambert, Cook		31
Overall Outcome				1, 7–14, 20–26, 28–31

REVERSED