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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte GUILLERMO PITA-GIL,
FRANCOIS DESNOYER, and
GUILLAUME MARTIN

Appeal 2019-003846
Application 14/376,889
Technology Center 3600

Before EDWARD A. BROWN, MICHAEL L. HOELTER, and MICHAEL J. FITZPATRICK, *Administrative Patent Judges*.

HOELTER, *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 to reject claims 8–13, which constitute all the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

[1] We use the word "Appellant" to refer to "applicant" as defined in 37 C.F.R. § 1.42, here RENAULT S.A.S. Appellant identifies itself as the sole real party in interest. Appeal Br. 2.

We REVERSE.

CLAIMED SUBJECT MATTER

The disclosed subject matter "relates to the processing of various parameters of a motor vehicle by a mobile device of the smartphone type." Spec. 1:3–5. Apparatus claim 8 and method claim 13 are independent. Claim 8 is illustrative of the claims on appeal and is reproduced below.

> 8. A device for determining a pressure of each tire of a motor vehicle from vehicle CAN network data including a parameter directly measured on said vehicle and available on a CAN network of the vehicle, the device comprising:
>
> a computer for mathematical processing of the vehicle data to indirectly determine the pressure of each tire of the vehicle, wherein the computer is hosted by a smartphone;
>
> a specific software application for data processing by the computer being implemented in the smartphone, and including a model of a mathematical relationship between the parameter and said tire pressure, for indirectly determining said tire pressure;
>
> a wired or wireless link implemented by the smartphone and configured to retrieve the vehicle CAN network data by the smartphone from the CAN network via the wired or wireless link; and
>
> a display implemented on the smartphone which displays, via a graphical interface thereof, the pressure of each tire indirectly determined by the computer based on said model.

EVIDENCE

Name	Reference	Date
Ihara et al. ("Ihara")	US 2006/0103513 A1	May 18, 2006
Jacobs et al. ("Jacobs")	US 2008/0043824 A1	Feb. 21, 2008
Pickering et al. ("Pickering")	WO 2011/147893 A1	Dec. 1, 2011

REJECTIONS

Claims 8–10 and 13 are rejected under pre-AIA 35 U.S.C. § 103(a) as unpatentable over Jacobs and Pickering.

Claims 11 and 12 are rejected under pre-AIA 35 U.S.C. § 103(a) as unpatentable over Jacobs, Pickering and Ihara.

ANALYSIS

The rejection of claims 8–10 and 13 as unpatentable over Jacobs and Pickering

Claim 8 recites a computer that processes vehicle data "to indirectly determine the pressure of each tire of the vehicle." Claim 8 further recites software for the computer "for indirectly determining said tire pressure." Claim 13 recites similar language.[2] Appellant's Specification provides guidance as to such indirect determination giving an example that employs a computer "for monitoring tire pressure by an indirect method by processing the signal corresponding to the speed of the wheels." Spec. 5:11–13. Appellant's Specification explains that using speed data to ascertain tire pressure is accomplished "where the variation in the dynamic radius of the tires is used as an indicator of pressure variation, this variation in the radius being obtained from the speed of the wheels." Spec. 5:15–17.

The Examiner relies on Jacobs for disclosing this indirect determination.[3] *See* Final Act. 3. Appellant disagrees contending that in Jacobs, the vehicle data acquired "is pressure data, not some other sensed

[2] Claim 13 recites "indirectly computing the pressure of a tire of the vehicle."

[3] The Examiner's reliance on Pickering for disclosing the limitation directed to a "vehicle CAN network" ("Controller Area Network") is not challenged.

parameter (like wheel speed) that can be used to indirectly calculate pressure." Appeal Br. 6. Hence, Appellant contends that in Jacobs, the sensed data is a "direct representation of pressure itself." Appeal Br. 6.

The Examiner references Paragraphs 126 thru 129 of Jacobs as support for the finding that Jacobs teaches indirect pressure determination. *See* Final Act. 3; *see also* Ans. 8, 10. These paragraphs discuss a variety of sensors (i.e., those for biological, chemical, electrical, magnetic, nuclear, and optical sensing), including mechanical sensors that can "be used to acquire temperature, pressure, velocity, or acceleration information." Jacobs ¶ 127. Paragraph 129 of Jacobs explains that, for example, a heart rate classifier may process EKG data to generate the current rate of a person's heartbeat. Likewise, a temperature sensor may process temperature data to generate an indication of measured temperature; a pressure sensor may process pressure data (including tire pressure) to generate an indication of pressure; and, a velocity sensor may process velocity data to generate an indication of velocity. *See* Jacobs ¶ 129; Ans. 10. The same can be said for acceleration and other sensor types as well.

The Examiner "concedes" that in Jacobs, a pressure sensor "provides a signal representative of pressure," but states that "this does not preclude Jacobs from teaching or suggesting a pressure determination as required by the limitations of Claim 8." Ans. 6. This assertion is not self-evident from the teachings of Jacobs which discloses, for example, generating a pressure value only from pressure data or, generating a velocity value only from velocity data, etc. There is no indication in Jacobs that one might obtain, say, a pressure value from velocity data (i.e., the exemplary "indirect method" described in Appellant's Specification above). The Examiner also

states that in Jacobs the sensed data is initially received as an "electrical signal" and that "[**t**]**he acquired sensor data may be passed as analog or digital waveforms.**" Ans. 7–8. The Examiner continues addressing Jacobs' "**waveform encoder 1006 for processing the sensed data for transmission**" after which, "the signal can be turned back [into its] original form." Ans. 8. The Examiner thus further considers this analog-to-digital data conversion as satisfying the limitation in question. *See* Ans. 8, 9.

We do not agree with the Examiner's reasoning that a different form of the same data (i.e., whether in analog or digital form) is a disclosure of determining one parameter's value (i.e., temperature, pressure, velocity, acceleration, etc.) based on another parameter's data. In short, the Examiner's reasoning is not consistent with how "indirect" processing is described in, and would be understood in view of, Appellant's Specification. Spec. 5:11–17. Thus, the Examiner has not provided articulated reasoning with rational underpinning to support the conclusion that Jacobs teaches or suggests the ability "to indirectly determine the pressure of each tire of the vehicle." Accordingly, we reverse the Examiner's rejection of independent claims 8 and 13, and dependent claims 9 and 10.

Regarding the separate rejection of claims 11 and 12 in view of Jacobs, Pickering, "and further in view of Ihara" (Final Act. 7), the Examiner does not employ Ihara in a manner that cures the defect of Jacobs discussed above. *See* Final Act. 7; Ans. 11. Accordingly, we likewise do not sustain the Examiner's rejection of claims 11 and 12 in view of the additional reference to Ihara.

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
8–10, 13	103(a)	Jacobs, Pickering		8–10, 13
11, 12	103(a)	Jacobs, Pickering, Ihara		11, 12
Overall Outcome				8–13

REVERSED