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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte PANKAJ KUMAR KASHYAP,
SHARATH HARIHARPUR SATHEESH, VINOD GOPINATH,
and ASHISH AGGARWAL

Appeal 2019-006281
Application 14/945,201
Technology Center 2800

Before N. WHITNEY WILSON, DEBRA L. DENNETT,
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), Appellant[1] appeals the Examiner's rejections of claims 13–19, which constitute all the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

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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 Caavo Inc. Appeal Br. 1.

The invention generally relates to a method of controlling an electronic device. Spec. ¶ 4. Claim 13 is illustrative of the subject matter claimed and is reproduced below from the Claims Appendix to the Appeal Brief:

> 13. A method performed by a control device for controlling a first electronic device, comprising:
>
> receiving, by the control device, an indication of an amount of current being provided from a power socket to the first electronic device via a socket device that is coupled between the power socket and the first electronic device, the indication being received from the socket device, the control device being a separate device from the socket device, wherein the first electronic device comprises at least one of a digital versatile disc (DVD) player, a display device, a speaker, an audio/video receiver, a compact disc (CD) player, a Blu-ray player, a cable television set-top box, a satellite television set-top box, a video game console, or a media streaming device;
>
> determining, by the control device, that the first electronic device is to be in a first power state based on a triggering event detected by the control device;
>
> determining, by the control device, whether the first electronic device is in one of the first power state or a second power state based on the indication received from the socket device; and
>
> in response to determining that the first electronic device is in the second power state, transmitting, by the control device, a control signal to the first electronic device that causes the first electronic device to transition to the first power state.

Appellant requests review of the Examiner's rejections of claims 13–19 under 35 U.S.C. §§ 102(a)(1) and 102(a)(2) as being anticipated by

Borean (US 2015/0372485 A1, published December 24, 2015). Appeal Br. 14; Final Act. 4.[2]

Appellant presents arguments only for independent claim 13. Accordingly, we select claim 13 as representative of the subject matter on appeal and decide the appeal on the arguments Appellant makes in support of the patentability of this claim.

OPINION

After review of the respective positions Appellant provides in the Appeal and Reply Briefs and the Examiner provides in the Final Office Action and the Answer, we AFFIRM the Examiner's rejections of claims 13–19 under 35 U.S.C. §§ 102(a)(1) and 102(a)(2) for essentially the reasons the Examiner presents in the Final Office Action and the Answer. We add the following for emphasis.

Claim 13

Claim 13 recites a method for controlling an electronic device comprising the use of a control device to transmit a control signal to the an electronic device in response to change in the electronic device from a first power state to a second power state, where the control signal causes the electronic device to transition to the first power state.

We refer to the Examiner's Final Office Action for a complete statement of the rejections of claim 13. Final Act. 4–6.

[2] The Examiner withdrew the rejections under 35 U.S.C. §§ 112(a) and 112(b). Ans. 3. Accordingly, these rejections are not before us for review on appeal.

Appellant argues that Borean does not teach the claim limitation "in response to determining that the first electronic device is in the second power state, transmitting, by the control device, a control signal to the first electronic device that causes the first electronic device to transition to the first power state," as recited by claim 13. Appeal Br. 14. According to Appellant, the claimed method includes a step of transmitting a control signal directly from the control device to a first electronic device, where the control signal causes the first electronic device to transition from a second power state to a first power state. Appeal Br. 15; Reply Br. 3. Appellant argues that Borean's local control unit 130 sends a control signal to a relay unit of smart plug 135 upon detecting a certain event and the smart plug 135 then controls the appliance supply of the electronic device. Appeal Br. 15; Borean ¶ 52. That is, Appellant contends that Borean's control unit 130 does not transmit a control signal directly to an electronic device.

The rejections turn on whether the claim requires the control device to transmit a control signal directly to an electronic device. Therefore, 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 the subject matter before us on appeal. *See Gechter v. Davidson*, 116 F.3d 1454, 1457 (Fed. Cir. 1997).

"[D]uring examination proceedings, claims are given their broadest reasonable interpretation consistent with the specification." *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1256 (Fed. Cir. 2007) (quoting *In re Hyatt*, 211 F.3d 1367, 1372 (Fed. Cir. 2000)). *See also In re Am. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (explaining that the scope of the claims in patent applications is not determined solely on the basis of the

claim language, but upon giving claims their broadest reasonable construction in light of the specification as it would be interpreted by one of ordinary skill in the art); *Phillips v. AWH Corp.*, 415 F.3d 1303, 1315 (Fed. Cir. 2005) ("[T]he specification 'is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the single best guide to the meaning of a disputed term'" (citation omitted)). In general,

> the PTO applies to the verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in the [Appellant's] [S]pecification.

In re Morris, 127 F.3d 1048, 1054 (Fed. Cir. 1997).

Thus, the 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). 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.

Appellant does not direct us to any portion of the Specification that supports the assertion that the claim requires direct transmission of the control signal between the control device and the electronic device. We have reviewed the Specification and Application Figures and note that both Figures 5 and 6 depict a control signal arrow 532D (for example) and an unnumbered arrow, respectively, between the control device and an electronic device that seems to be a direct transmission. However, the

Specification describes these Figures as "block diagrams" (*see* Spec. ¶¶ 13–14), which are typically meant to illustrate concepts and relationships between components and not actual components of the device. In addition, the Specification describes Figure 5's arrows as depicting the control signal transmitted by the control device to the electronic device *to cause* the electronic device to transition to a desired power state. *Id.* ¶ 69. The Specification provides a similar description for Figure 6's control signal. *Id.* ¶¶ 81–87. Lacking in those descriptions is any discussion that the control device sends the control signal directly to an electronic device. Moreover, describing the control signal as causing an electronic device to transition to a desired power state does not inform one skilled in the art that the control signal must be directly transmitted by the control device to the electronic device. Therefore, we agree with the Examiner that "[t]he claim does not require[] that the signal [sent by the control device be] received, directly or indirectly, by the first electronic device." Ans. 4. That is, we agree with the Examiner that the claim language, under the broadest reasonable interpretation, encompasses direct transmission as well as indirect transmission of the control signal between the control device and the electronic device.

With respect to the merits of the Examiner's rejections under 35 U.S.C. §§ 102(a)(1) and 102(a)(2), in order to anticipate, a reference must identify something falling within the claimed subject matter with sufficient specificity to constitute a description thereof within the purview of § 102. *In re Schaumann*, 572 F.2d 312, 317 (CCPA 1978).

After considering Appellants arguments in the Appeal and Reply Briefs, in light of the broadest reasonable interpretation of the claims, we

agree with the Examiner's finding that Borean's method for controlling an electronic device anticipates the subject matter of claim 1 because the claim does not require that a control device sends a control signal directly to an electronic device. Ans. 3–4. Therefore, Appellant's arguments do not identify reversible error in the Examiner's finding of anticipation.

Accordingly, we AFFIRM the Examiner's prior art rejections of claims 13–19 under 35 U.S.C. §§ 102(a)(1) and 102(a)(2) for the reasons the Examiner presents and we give above.

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
13–19	102(a)(1)	Borean	13–19	
13–19	102(a)(2)	Borean	13–19	
Overall Outcome			**13–19**	

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED