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15/063,044	03/07/2016	Joey Ray GROVER	83598608	2179
28395	7590	06/02/2020	EXAMINER	
BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			CASILLAS, ROLAND J	
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Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JOEY RAY GROVER, JUSTIN DICKOW, SCOTT SMEREKA,
JOEL J. FISCHER, JOHN BYRNE, and COREY MAYLONE

Appeal 2019-006733
Application 15/063,044
Technology Center 2100

Before CARL W. WHITEHEAD JR., DAVID M. KOHUT, and
IRVIN E. BRANCH, Administrative Patent Judges.

BRANCH, Administrative Patent Judge.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant appeals from the
Examiner's decision to reject claims 1–20.¹ We have jurisdiction under
35 U.S.C. § 6(b).

We AFFIRM.

¹ We use “Appellant” to reference the applicant as defined in
37 C.F.R. § 1.42. Appellant identifies Livia, Inc., as the real party in
interest, which “is a wholly-owned subsidiary of Ford Motor Company.”
Appeal Br. 1.

STATEMENT OF THE CASE

Appellant's Invention

Appellant's invention allows a mobile device to access a vehicle computing system via another mobile device. Spec. ¶ 16. In one embodiment:

Each connected device may send messages directly to the primary device to control connected applications executed by the primary device. For instance, a back seat passenger having a mobile device may connect to the primary device using the same communication protocol as the primary device uses to connect to the vehicle computing system. Thus, the back seat passenger's mobile device may allow the back seat passenger to control the one or more applications being executed at the primary device.

Id. Claim 1, reproduced below (emphasis added), is representative of the subject matter argued on appeal.

1. A system comprising:
a primary brought-in mobile device programmed to:
advertise an application human-machine interface (HMI) service responsive to connection as the primary mobile device to a computing platform integrated with a vehicle,
connect to at least one secondary brought-in mobile device, and
provide a user interface of a connected application executed by the primary mobile device to the computing platform and to the at least one secondary brought-in mobile device, each secondary mobile device executing the connected application.

Appeal Br., Claims App. A-1.

Rejection

Claims 1–20 stand rejected under 35 U.S.C. § 102(a)(1) as anticipated by Demeniuk (US 2014/0163771 A1; pub. June 12, 2014). Final Act. 3–11.

OPINION

Appellant argues all claims as a group. Appeal Br. 7. We select claim 1 as representative. *See* 37 C.F.R. 41.37(c)(1)(iv). For the following reasons, we are unpersuaded of error in the rejection of claim 1 and accordingly sustain the rejection of all claims under 35 U.S.C. § 102(a)(1).

Appellant contends Demeniuk does not teach the above-emphasized limitation of claim 1. Appeal Br. 6. In support, Appellant contends Demeniuk does not teach a mobile device that achieves communication between a second mobile device and vehicle computing system (VCS) by providing a user interface to the second mobile device and VCS. *Id.* Appellant further contends Demeniuk rather teaches mobile devices where each one connect to a VCS by merely porting directly to the VCS, e.g., by directly accessing a USB or Bluetooth port of the VCS. *Id.* We are unpersuaded for each of two reasons.

First, the argument is not commensurate with claim 1’s scope. Appellant’s supporting contentions incorrectly imply that the claimed primary mobile device is recited as: relaying communications from the secondary mobile device to the VCS; and transmitting the user interface directly to the secondary mobile device. Appeal Br. 6. However, the primary mobile device is recited as merely: connecting to the secondary mobile device in any respect; and providing the user interface to the secondary mobile device in any respect. *See* Ans. 4–5.

Second, Appellant does not address the Examiner's finding that Demeniuk's shared playlist teaches the emphasized limitation of claim 1, i.e., constitutes a user interface as claimed. *See* Reply Br. 1–2; Ans. 6; Demeniuk ¶¶ 95–96 (disclosure of the playlist cited). For example, Appellant does not dispute that such sharing of a playlist would permit both the sharing mobile device and receiving mobile device to execute the same application, as is claimed. Appellant responds:

The Examiner discusses various aspects of Demeniuk on pages 5-6 of the Answer. Yet, these sections still do not show that “a primary brought-in mobile device” is programmed to “advertise an application human-machine interface (HMI) service responsive to connection as the primary mobile device to a computing platform integrated with a vehicle.” [¶] Moreover, these sections still do not show that the “a primary brought-in mobile device” (and not the communications manager of the vehicle) is programmed to “provide a user interface of a connected application executed by the primary mobile device to the computing platform and to the at least one secondary brought-in mobile device, each secondary mobile device executing the connected application.” These recitations are simply not taught.

Reply Br. 2. These statements are not responsive to the Examiner's reliance on Demeniuk's shared playlist. *See In re Jung*, 637 F.3d 1356, 1365 (Fed. Cir. 2011) (affirming because appellant “merely argued that the claims differed from [the prior art], and chose not to proffer a serious explanation of this difference”). Further, the first quoted “advertise” limitation is newly raised in the Reply Brief without an accompanying show of good cause. *See* 37 C.F.R. § 41.41(b)(2) (permitted contents of a Reply Brief).

Thus, for the reasons indicated above, we sustain the Examiner's rejection of claims 1–20.

DECISION

In summary:

Claims Rejected	35 U.S.C. §	References	Affirmed	Reversed
1-20	102(a)(1)	Demeniuk	1-20	

TIME PERIOD FOR RESPONSE

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

AFFIRMED