



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/902,406	10/12/2010	Eric Randell Schmidt	22562-379 / 2010-040	2016
96411	7590	06/02/2020	EXAMINER	
Dinsmore & Shohl LLP 255 East Fifth Street, Suite 1900 Cincinnati, OH 45202			MUSTAFA, IMRAN K	
			ART UNIT	PAPER NUMBER
			3665	
			NOTIFICATION DATE	DELIVERY MODE
			06/02/2020	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

CincyPAIR@dinsmore.com
elise.merkel@dinsmore.com
jennifer.baker@dinsmore.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ERIC RANDELL SCHMIDT and JEFFREY EDWARD
PIERFELICE

Appeal 2020-000291
Application 12/902,406
Technology Center 3600

Before MAHSHID D. SAADAT, LINZY T. McCARTNEY, and
MATTHEW J. McNEILL, *Administrative Patent Judges*.

SAADAT, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant¹ appeals under 35 U.S.C. § 134(a) from the Final Rejection of claims 1–6, 8–19, 21, and 22, which are all the claims pending in this 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 the real party in interest as Toyota Motor Engineering & Manufacturing North America, Inc. Appeal Br. 1.

STATEMENT OF CASE

Introduction

Appellant's Specification describes a method and system for "determining a destination location from a communication." See Spec. ¶ 3.

Exemplary claim 1 under appeal reads as follows:

1. A method for determining a destination location from a communication, comprising steps of:
 - receiving electronic communications data from a mobile communications device, at a computing device of a vehicle;
 - parsing the electronic communications data to identify a first term of interest related to the destination location in the electronic communications data;
 - parsing the electronic communications data to identify a second term of interest, the second term of interest identifying personal user information of a user of the vehicle;
 - identifying the destination location, from the first term of interest and the second term of interest;
 - providing a first user option in an interface that provides the electronic communications data to identify a third term of interest in the electronic communications data, wherein the third term of interest further identifies the destination location;
 - providing a second user option in the interface that, upon user selection, removes a selected one of the terms of interest from identifying the destination location;
 - in response to selection of the first user option or the second user option, updating the identified destination location;
 - determining routing data of a vehicle from a current location of the vehicle to the destination location; and
 - providing the routing data to a user of the vehicle.

Appeal Br. 12 (Claims Appendix).

The Examiner's Rejections

Claims 1–6, 8–13, 21, and 22 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Ohki (US 2008/0036586 A1; pub. Feb. 14, 2008), Basir (US 2009/0164110 A1; pub. June 25, 2009), Gayama (US 2002/0156830 A1; Oct. 24, 2002), Nelson (US 2011/0106892 A1; May 5, 2011), and Roberts (US 2010/0153855 A1; June 17, 2010). Final Act. 2–14.

Claims 14–19 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Ohki, Basir, Nelson, and Roberts. Final Act. 14–18.

ANALYSIS

We review the appealed rejections for error based upon the issues Appellant identifies, and in light of the arguments and evidence produced thereon. *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential) *cited with approval in In re Jung*, 637 F.3d 1356, 1365 (Fed. Cir. 2011) (“[I]t has long been the Board’s practice to require an applicant to identify the alleged error in the examiner’s rejections.”). After considering the argued claims in light of the case law presented in this Appeal and each of Appellant’s arguments, we are persuaded that the Examiner reversibly erred in rejecting claims 1–6, 8–19, 21, and 22 over the cited prior art references.

In rejecting claim 1, the Examiner finds Ohki discloses all the recited method steps of the claim including receiving electronic communications data, determining routing data of a vehicle, providing the routing data to a user of the vehicle, transmitting a message from the navigation system to a remote service, and identifying the destination location. Final Act. 9–11 (citing Ohki ¶¶ 37, 42, 43, 119, 120). The Examiner further relies on

Gayama as disclosing “identifying personal user information of a user of the vehicle” and “parsing an electronic transcript to determine a non-address term,” on Nelson as disclosing parsing messages and allowing the user to identify specific keywords [terms of interest] to identify calendar events that meets the claimed “parsing the electronic communications data to identify a first term of interest related to the destination location,” and on Roberts as disclosing modifying terms of a calendar event that meets the recited “providing a second user option in the interface that, removes a selected one of the terms of interest from identifying the destination location,” and on Basir as disclosing “parsing an electronic transcript to identify a first non-address term of interest related to the destination location in the electronic transcript.” Final Act. 11–13 (citing Gayama ¶¶ 68, 83; Nelson ¶ 42; Roberts ¶ 34; Basir ¶ 119). The Examiner finds it would have been obvious to one of ordinary skill in the art to modify Ohki as suggested by the cited prior art to provide a more user friendly experience, to add suggestions of a destination to a user, to identify the relevant terms, and to allow the user to select or remove terms of interest. *Id.*

Appellant contends the Examiner’s rejection is in error because the combination of the references does not teach or suggest “***providing a second user option in the interface that, upon user selection, removes a selected one of the terms of interest from identifying the destination location . . . [and] in response to selection of the first user option or the second user option, updating the identified destination location***’ as recited in claim 1.” Appeal Br. 5. Appellant asserts the disclosures of Basir (using a trigger command to identify a term to be parsed), Gayama (determining compatibility of the information based on frequencies and waveforms of the

voice data), and Nelson (detecting calendar events from an email message) do not provide the deficiency of Ohki with respect to the disputed limitation. According to Appellant, Roberts provides user selections as “the ‘portions without keywords button’ to **remove sections of a conversation from being displayed** if a particular keyword is not present,” which “causes the system of Roberts to remove from display (not remove from the conversation, remove just from display) those portions of communication that **do not** include a specified keyword.” Appeal Br. 7–8. Appellant contrasts these teachings from Roberts with the recited limitations of claim 1 as “[i]n claim 1, the selected word would still be displayed in the message; whereas in Roberts, the identified keyword **is never present in those portions of the message.**” Appeal Br. 8.²

In response, the Examiner explains Roberts provides the user “the option to remove keywords that are not of interest and this provides a manual operation to add/remove any terms that are not deemed to be relevant,” which “allows a manual selection of keywords or terms the user determines to be relevant.” Ans. 4 (citing Roberts ¶ 34). The Examiner further finds

The claim limitation merely states “providing a second user option **in the interface** that, upon user selection, removes a selected one of the terms of interest from identifying the destination location ... [and] in response to selection of the first user option or the second user option, updating the identified destination location.” The claim only states that the user is given an option to remove one of the terms from identifying the destination location. It doesn't state that the word has to be present in the current message. As shown above Figure 4

² We do not address Appellant’s other contentions because this contention is dispositive of the issue on appeal.

allows the user to add/remove terms of interest. This can be done anytime even while the user is reviewing a current message.

Ans. 5.

Based on a review of the applied prior art references, and specifically Roberts, we are persuaded by Appellant's contentions that the Examiner has not explained how a second user option is provided in the user interface for removing one of the terms of interest, as required by Appellant's claim 1. Although Roberts discusses selecting portions of the email without keywords button 424 to be hidden or compressed, the content of the message does not change. Roberts ¶¶ 34, 58; *see also* Reply Br. 4–5. In other words, it is not clear how the teaching of hiding a portion of the email message of Roberts, in combination with the other prior art references, meets the above-mentioned disputed claim limitation because the Examiner has not identified any elements in the combination of these references that results in ***“providing a second user option in the interface that, upon user selection, removes a selected one of the terms of interest from identifying the destination location . . . [and] in response to selection of the first user option or the second user option, updating the identified destination location.”***

Therefore, Appellant's arguments have persuaded us of error in the Examiner's position with respect to the rejections of independent claim 1, and independent claim 8 which recites similar limitations. The Examiner has not identified any teachings in the other applied prior art that would make up for the above-mentioned deficiency. We, therefore, do not sustain the rejections of independent claims 1 and 8, as well as claims 2–6, 9–19, 21, 22 dependent therefrom.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1-6, 8-13, 21, 22	103	Ohki, Basir, Gayama, Nelson, Roberts		1-6, 8-13, 21, 22
14-19	103	Ohki, Basir, Nelson, Roberts		14-19
Overall Outcome				1-6, 8-19, 21, 22

REVERSED