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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JOHN M. PARRISH, KELLY C. TUGGLE,
and STEPHEN SHAFFER

Appeal 2020-000641
Application 15/339,532
Technology Center 3600

Before NORMAN H. BEAMER, ADAM J. PYONIN, and
GARTH D. BAER, *Administrative Patent Judges*.

PYONIN, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the
Examiner's rejection. 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. Appellant identifies DALLAS/FORT WORTH
INTERNATIONAL AIRPORT BOARD as the real party in interest. Appeal
Br. 2.

STATEMENT OF THE CASE

Introduction

The application is directed to “supporting compliance with customs/border requirements” (Spec. ¶ 4) using a “portable device [that] . . . indicates whether [a] traveler is allowed to pass a customs/border enforcement area or is required to enter the customs/border enforcement area for additional processing.” Spec. ¶ 5. Claims 1, 3–6, 8, 10–13, 15, 17–20, and 22–30 are pending; claims 1, 8, 15, 22, 25, and 28 are independent. Appeal Br. 24–37. Claim 15 is reproduced below for reference (emphasis added):

15. A non-transitory computer readable medium containing instructions that, when executed by at least one processor of a portable device, cause the at least one processor to:

receive first information associated with a traveler at the portable device, wherein the first information comprises information from a passport of the traveler, a photograph of the traveler, and travel-related information associated with the traveler;

initiate wireless transmission of at least a portion of the first information to *an external system associated with a customs or border enforcement agency*;

receive, from the external system in response to the at least portion of the first information, *second information associated with a first receipt and third information associated with a second receipt*, wherein the first receipt comprises a disposition code that indicates whether the traveler is allowed to pass a customs or border enforcement area or is required to enter the customs or border enforcement area for additional processing, and wherein the second receipt indicates whether the traveler is allowed entry into a prioritized screening area at a security checkpoint;

present the disposition code on a display of the portable device when the traveler is located at a kiosk or egress point of the customs or border enforcement area, wherein the presented

disposition code is machine-readable at the kiosk or egress point of the customs or border enforcement area; and

present the second receipt on the display of the portable device after the traveler leaves the customs or border enforcement area and the traveler is located near the security checkpoint, wherein the second receipt is machine readable at the security checkpoint to enable entry into the prioritized screening area at the security checkpoint.

Rejections

Claims 1, 4–6, 8, 11–13, 15, 18–20, and 22–30 stand rejected under 35 U.S.C. § 103 as being unpatentable over Molloy (US 2010/0051679 A1; Mar. 4, 2010), Whitehouse (US 2014/0279648 A1; Sept. 18, 2014), Yepez (US 2013/0027187 A1; Jan. 31, 2013), and “TSA Pre-Check FAQ,” Aug. 12, 2016 (available at <https://web.archive.org/web/20160812155229/https://www.tsa.gov/precheck/faq>, Aug 12, 2016) (hereinafter “TSA”). Final Act. 3.

Claims 3, 10, and 17 stand rejected under 35 U.S.C. § 103 as being unpatentable over Molloy, Whitehouse, Yepez, TSA, and Ortiz (US 2014/0108263 A1; Apr. 17, 2014). Final Act. 15.

ANALYSIS

Appellant argues that “Molloy discloses a code for a single purpose — indicating either secondary processing or direct entry. The code does [not] provide any information regarding a traveler’s access to a prioritized screening area” as required by the claims. Reply Br. 3 (emphasis omitted), citing Molloy Abstract, ¶¶ 46–48. Appellant contends that, although “Molloy generally discloses that ‘an optional further code for secondary

processing (e.g. agriculture, secondary or cash)’ is printed on the receipt,” this “optional further code is simply related to secondary processing in the customs or border enforcement area.” Reply Br. 3 (emphasis omitted), citing Molloy ¶ 62.

Appellant also argues that TSA’s “Precheck indicator” is not the same as the claimed “the second receipt received in response to the first information,” because

the TSA Precheck indicator is information provided by the airline itself and is thus not received from an external system associated with a customs or border enforcement agency. *TSA* only indicates that “participating airlines” print the TSA Precheck indicator on the boarding pass.

Reply Br. 4, citing www.tsa.gov/precheck/faq (*see* “How do I use my known traveler number?”) (emphasis omitted).

We agree. The Examiner finds that “[b]ased on the broadest interpretation of the claim limitation,” the “first receipt and second receipt can be interpreted to be two separate pieces of information received in response to the information of the traveler and displayed on a single screen or image, presentable to the user.” Ans. 5. The Examiner further finds that

the TSA Precheck indicator is representative of second receipt received in response to traveler information provided from the TSA and used by the airline. Transportation Security Administration (TSA) is an external system of customs or border enforcement agency. As shown in *TSA* under section “How do I add my KTN [known traveler information] to previous reservations?”[, t]he traveler receives TSA [P]recheck indicator in response to the submitted traveler information enrolled in a CBP trusted traveler program of the TSA. The same received information associated with the traveler (e.g. name, photo, passport, etc.) are used for a disposition code (i.e.

ticket) indicating whether the traveler is allowed to pass a customs or border enforcement area, which is disclosed in Molloy.”

Ans. 5–6 (emphasis omitted).

Although the Examiner’s finding indicates the TSA maintains a database of ‘known traveler information’, the Examiner has not provided a reason explaining why one skilled in the art would place “on an external system associated with a customs or border enforcement agency” *both* the claimed “second information associated with a first receipt and third information associated with a second receipt.” *See* Final Act. 11; Ans. 5. Further, the Examiner does not provide a rationale for the “external system” containing *both* the “second information” and “third information” as recited. *See* Final Act. 11. Therefore, we are persuaded the Examiner’s obviousness rejection is in error. *See KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007) (To reject a claim under 35 U.S.C. § 103, the obviousness “analysis should be made explicit.”).

Accordingly, we are constrained by the record to reverse the Examiner’s obviousness rejection of independent claim 15, as well as independent claims 1, 8, 22, 25, and 28 commensurate in scope, and all dependent claims.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 4-6, 8, 11-13, 15, 18-20, 22-30	103	Molloy, Whitehouse, Yepez, TSA		1, 4-6, 8, 11-13, 15, 18-20, 22-30
3, 10, 17	103	Molloy, Whitehouse, Yepez, TSA, Ortiz		3, 10, 17
Overall Outcome				1, 3-6, 8, 10-13, 15, 17-20, 22-30

REVERSED