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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte LAWRENCE Y. YANG,
ROBERTO GARCIA, JUSTIN WOOD, RICHARD R. DELLINGER,
IMRAN CHAUDHRI, STEPHEN O. LEMAY, EUGENE M. BISTOLAS,
JAE WOO CHANG, MARCEL VAN OS, MEGAN M. FROST, and
JOSHUA B. DICKENS

Appeal 14/503,355
Application 2020-004883
Technology Center 2400

Before MICHAEL J. STRAUSS, DAVID J. CUTITTA II, and
MICHAEL J. ENGLE, *Administrative Patent Judges*.

ENGLE, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant¹ appeals under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1–14, 16–34, 36–52, and 54–60, which are all of the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42(a). Appellant identifies Apple Inc. as the real party in interest. Appeal Br. 3.

TECHNOLOGY

The application relates to user interfaces for sharing a user's location with others. Spec. ¶ 3, Title.

ILLUSTRATIVE CLAIM

Claim 1 is illustrative and reproduced below with certain limitations at issue emphasized:

1. A non-transitory computer-readable storage medium storing one or more programs, the one or more programs comprising instructions, which when executed by an electronic device with a display and a touch-sensitive surface, cause the device to:

display, on the display, a first messaging user interface of an application, the first messaging user interface including:

a message region that includes a plurality of messages sent between a first participant and a second participant in a message conversation, and

a control affordance separate from the message region;

while displaying, on the display, the message region that includes the plurality of messages sent between the first participant and the second participant, receiving a touch input that corresponds to activation of the control affordance displayed separate from the message region in the first messaging user interface of the application;

in response to detecting the first touch input that corresponds to activation of the control affordance in the first messaging user interface of the application, display a second messaging user interface of the application, *the second messaging user interface including:*

a share-location affordance for sharing a dynamic location of the first participant with the second participant in the message conversation, wherein the dynamic location is updated as the location of the first participant in the message conversation changes over at least a predetermined time period; and

a send-location affordance for sending a static location to the second participant in the message conversation, wherein the static location is not updated over time;

detect a second touch input; and

in accordance with the second touch input corresponding to a selection of the share-location affordance:

provide the second participant in the message conversation with dynamic location information enabling the second participant in the message conversation to determine a current location of the first participant in the message conversation during at least the predetermined time period; and

in accordance with the second touch input corresponding to a selection of the send-location affordance:

provide the second participant in the message conversation with static location information enabling the second participant in the message conversation to determine the static location, wherein the static location is not updated over time.

REJECTION

Claims 1–14, 16–34, 36–52, and 54–60 stand rejected under 35 U.S.C. § 103 as obvious over Altman (US 2008/0070593 A1; Mar. 20, 2008), Oplinger (US 2015/0172393 A1; June 18, 2015), Zhang (US 2016/0294958 A1; Oct. 6, 2016), and Shan (US 2016/0277885 A1; Sept. 22, 2016). Final Act. 4.

ISSUES

1. Did the Examiner err in finding the combination of references teaches or suggests the limitations italicized above in claim 1?
2. Did the Examiner err in finding Altman and Shan teach or suggest “the static location corresponds to a location of the electronic device

at the time of detecting the second touch input corresponding to the selection of the send-location affordance,” as recited in claim 58?

ANALYSIS

Claims 1–14, 16–34, 36–52, and 54–57

Claim 1 recites that the second messaging user interface includes (1) “a share-location affordance for sharing a dynamic location” that is “updated as the location of the first participant . . . changes over at least a predetermined time period” and (2) “a send-location affordance for sending a static location” that is “not updated over time.”

Appellant argues:

the cited references, alone or combination, fail to disclose a single interface that includes **both** a share-location affordance for sharing a dynamic location in a messaging conversation that is updated as the location of the user changes over at least a predetermined time period, **and** a send-location affordance for sending a static location in the messaging conversation that is not updated over time.

Appeal Br. 13.

Appellant first addresses each prior art reference individually in arguing that (1) “Altman does not disclose an interface that includes a share-location affordance for sharing a dynamic location”; (2) Oplinger only teaches “options for extending the amount of time the location will be shared” (i.e., dynamic location); (3) “Zhang describes a user sharing directions to a destination, instead of sharing the user’s location”; and (4) although Shan discloses sharing “both static location information and dynamic location information,” “Shan fails to disclose . . . any options . . . for selecting between the static location information and the dynamic location information.” Appeal Br. 13–20.

We are not persuaded by these arguments because “[n]on-obviousness cannot be established by attacking references individually where the rejection is based upon the teachings of a combination of references.” *In re Merck & Co.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986). As the Examiner notes, these “piecemeal” arguments only address the references individually, not in combination. Ans. 6–12. In the Examiner’s combination, in addition to “Altman’s teachings of providing a ‘static’ location information,”

there would be a separate interface window (from Oplinger’s and Zhang’s teachings) with one or more buttons/affordances (as taught from Zhang’s teachings), selectable by a first user participant, and allowing that first user participant to share either one or both of the dynamic and static location information with one or more other user participants (as taught from Shan’s teachings).

Ans. 7, 6.

Appellant next argues that the Examiner’s rationales for combining the references “amount to nothing more than vague statements that . . . the resulting combined system would generally be ‘better’ than the individual systems.” Appeal Br. 20–21.

We are not persuaded by this argument either. The Examiner notes that “many of the provided examples and concepts overlapped” between references, with some references merely “more expressly and clearly” illustrating how a particular concept might be implemented. Ans. 13. The Examiner therefore determines that “[i]t would have been obvious to one of ordinary skill in the art that . . . how the system presents those two options [i.e., static location and dynamic location] . . . is a design choice,” with buttons from Oplinger or Zhang being obvious candidates for such a design choice. *Id.* “One of ordinary skill in the art . . . would have been motivated

because in designing a user implementation or user interface . . . having both options available to choose from[] is . . . more user friendly and giv[es] the user(s) more control . . .” *Id.* at 14. For example, “when two messaging participants are planning to meet up, one participant may have reasons to want to share a dynamic version of their location information (over a static version of their location information)” such as “in case they are moving around from one location to the next.” *Id.* “Similarly, there can be situations wherein a user can decide they will remain at one location and just share a static location” (e.g., if the user is not moving around or if the user wishes to protect their privacy). *Id.*

The Examiner’s determinations are supported by the record. For example, Altman’s ability to “turn off the automatic location updating process” that the Examiner relies on is part of Altman’s “Security and Privacy Features” that recognize the sensitive nature of sharing a location with others and provide features to limit who can see the user’s location and when. *See* Altman ¶¶ 56–61; Ans. 6–7 (discussing Altman ¶ 60). Oplinger provides a similar functionality of limiting the amount of time a recipient can see a user’s location. *E.g.*, Oplinger Fig. 4D; Ans. 8–9 (discussing Oplinger Fig. 4D). Given that the prior art teaches providing at least one of a static or dynamic location and the privacy concerns of sharing locations, Appellant has not persuaded us of error in the Examiner’s determination that it would have been an obvious design choice to provide buttons (as in Oplinger and Zhang) for the user to choose either a static location (as in Altman and Shan) or a dynamic location (as in Oplinger and Shan).

Accordingly, we sustain the Examiner’s rejection of claim 1, and claims 2–14, 16–34, 36–52, and 54–57, which Appellant argues are

patentable for similar reasons. *See* Appeal Br. 21; 37 C.F.R. § 41.37(c)(1)(iv).

In the event of further prosecution, however, the Examiner and Appellant may want to consider any relevance of Oplinger's Figure 3C, which is reproduced below:

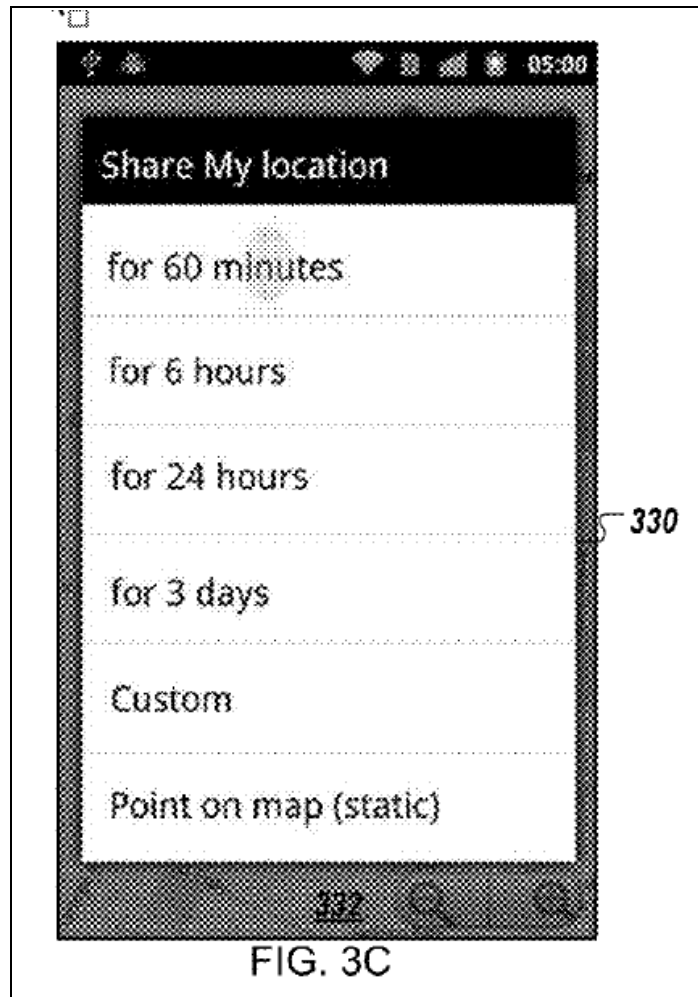


Figure 3C of Oplinger “shows an example of a GUI 330 that prompts the user to select or input a time period for the location sharing event.” Oplinger ¶ 53. In particular, Figure 3C displays “options for sharing location information for an ensuing amount of time, such as the next sixty minutes.” *Id.* In the same user interface screen, Figure 3C also “includes an option for sharing location information for a particular point on [the] map,” which

Figure 3C labels as “Point on map (static)” under the heading “Share My Location.” *Id.* The Examiner and Appellant may wish to consider whether Figure 3C and the accompanying text disclose or render obvious a single user interface screen with separate buttons for sharing a dynamic location and sharing a static location.

Claims 58–60

Dependent claims 58–60 recite “the static location corresponds to a location of the electronic device at the time of detecting the second touch input corresponding to the selection of the send-location affordance.”

Appellant argues that Altman’s disclosure of sending a static location when the auto-update feature is off means that “the last known location of the user ‘may have been manually set days ago.’” Appeal Br. 22 (quoting Altman ¶ 60).

However, we agree with the Examiner that even though Altman’s location “may” be manually set days ago, Altman still renders obvious that the static location may be more recent, such as the current location when asking someone to come meet you. Ans. 15–16. We further agree with the Examiner that the Appeal Brief fails to address the Examiner’s reliance on Shan. *Id.* at 16.

Accordingly, we sustain the Examiner’s rejection of claims 58–60.

As with claim 1, in the event of further prosecution, the Examiner and Appellant may wish to consider any relevance of Oplinger Figure 3C and its description in paragraph 53.

OUTCOME

The following table summarizes the outcome of the rejection:

Claims Rejected	35 U.S.C. §	References	Affirmed	Reversed
1-14, 16-34, 36-52, 54-60	103	Altman, Oplinger, Zhang, Shan	1-14, 16-34, 36-52, 54-60	

TIME TO RESPOND

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. § 1.36(a)(1)(iv).

AFFIRMED