

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ANIMESH MISHRA, JUN SHI, and HARSHAD JUNNARKAR

Appeal No. 2005-2668
Application No. 09/765,823

ON BRIEF

Before HAIRSTON, JERRY SMITH, and BLANKENSHIP, Administrative Patent Judges.
BLANKENSHIP, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 1-20 and 31-73, which are all the claims remaining in the application.

We affirm.

BACKGROUND

The invention relates generally to preventing theft of devices. An appliance may determine its location, and may determine whether it has moved a distance or to a location which does not meet a local policy guideline. The appliance may notify a central agency of such move, and the central agency may determine whether the move does not meet a remote policy guideline. Representative claim 1 is reproduced below.

1. An apparatus comprising:
 - a functional unit;
 - a location determination device;
 - a local policy enforcement device coupled to the location determination device and to the functional unit; and
 - a communication interface coupled to the local policy enforcement device to transmit to a central agency information related to a failure to meet a local policy and to receive from the central agency an enablement signal if the information complies with a remote policy.

The examiner relies on the following references:

Mansell et al. (Mansell)	5,223,844	Jun. 29, 1993
Hertel	5,532,690	Jul. 2, 1996
Johnson et al. (Johnson)	5,557,254	Sep. 17, 1996

Claims 1-3, 6-9, 11-20, 31-45, and 47-73 stand rejected under 35 U.S.C. § 103 as being unpatentable over Hertel and Johnson.

Claims 4, 5, 10, and 46 stand rejected under 35 U.S.C. § 103 as being unpatentable over Hertel, Johnson, and Mansell.

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We refer to the Final Rejection (mailed Oct. 6, 2003) and the Examiner's Answer (mailed Apr. 6, 2004) for a statement of the examiner's position and to the Brief (filed Jan. 20, 2004) and the Reply Brief (filed Jun. 3, 2004) for appellants' position with respect to the claims which stand rejected.

OPINION

Appellants submit (Brief at 9) that the claims on appeal that are subject to the same rejection stand or fall together. Accordingly, consistent with the arguments presented in the Brief and the rules effective at the time of filing, we select claims 1 and 4 as representative. See 37 CFR § 1.192(c)(7) (2003).

The examiner applies the teachings of Hertel and Johnson in the § 103 rejection against representative claim 1. Appellants argue that none of the cited references, nor any combination thereof, disclose or suggest the feature that information determined to be noncompliant with a local policy is nevertheless determined by a central agency to be compliant with a remote policy. Appellants submit that appellants claim a technique where the same information (e.g., location) is evaluated for compliance, first with a local policy and subsequently with a remote policy. According to appellants, Johnson discloses, in contradiction, a technique in which information of one type (authentication) is used to override the effect of a second type (alarm). (Brief at 9-11.)

The examiner responds that Johnson discloses alarm conditions in which a central monitoring station is contacted and sent information regarding the alarm

condition. The examiner posits that alarm conditions (e.g., movement) being outside a specified range represents a violation of local policy that causes a report to be sent to the central monitoring station. The information may include location and user identity, and is related to the violation of the local policy. If the central monitoring station verifies that the occupant of the vehicle is authorized, then the central monitoring system sends command signals to the vehicle to allow operation. The central monitoring station verification is deemed to be a remote policy. (Answer at 20-21.)

Johnson depicts (Fig. 7) a state transition diagram showing the interactions between security system 300 (Fig. 3) and the central monitoring station 103 (Fig. 1). Johnson discloses that from alarm state 709 a call is made to the central monitoring station to report the event (e.g., an emergency, an intrusion detection zone violation, or a carjacking). When the central monitoring station 103 answers the call, the security system 300 sends the current status (e.g., "emergency") and the vehicle's location as determined by a GPS receiver. The central monitoring system attempts to verify that the occupant is an authorized user of the vehicle. The verification process may be accomplished by accepting a security code which the occupant of the vehicle enters on the cellular telephone handset 211b (Fig. 3), by accepting voice input from the cellular telephone microphone, or by observing an image of the occupant obtained by the camera 233 (Fig. 2). If the central monitoring station 103 verifies that the occupant of the vehicle is authorized, the central monitoring station causes the security system to disarm. Col. 13, l. 14 - col. 14, l. 7. Further, the cellular transceiver 213 (Fig. 3) is

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capable of receiving commands transmitted from the central monitoring station 103. In the event that the driver of the vehicle fails to disarm the system, the operator at the central monitoring system 103 may control certain aspects of the vehicle operation, such as locking and unlocking the power locks, turning off the ignition, sounding the horn, flashing the head lights, or turning off the fuel line. The control and communication unit 201 (Fig. 2) is connected to relays to effect control of the various functions. Col. 5, l. 22 - col. 6, l. 2.

Instant claim 1 recites a communication interface coupled to the local policy enforcement device “to transmit to a central agency information related to a failure to meet a local policy and to receive from the central agency an enablement signal if the information complies with a remote policy.” The claim places no limitation on “the information” transmitted to the central agency, other than being “related to a failure to meet a local policy.” The claim does not specify what the “enablement signal” relates to (i.e., what may be enabled).

The above-noted claim 1 language reads on several different, alternative combinations of elements that are described by Johnson. As the examiner indicates, “the information” that is transmitted to the central monitoring system 103 may include both alarm information (e.g., intrusion detection) and a security code which the vehicle occupant may send to the central monitoring system so that the central monitoring system can determine that the intrusion is by an authorized person. All the information is related to a failure to meet a local policy (e.g., intrusion detection). If the information

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complies with a remote policy (e.g., the occupant is determined to be authorized by entry of the correct security code), the central monitoring system sends a signal to disarm the security system. The signal may be considered an “enablement” signal, as the signal enables moving to a state different from the present state (i.e., from an alarm to an unarmed state). Moreover, Johnson also discloses (col. 5) that a signal may indicate enabling, for example, the horn or headlights.

During prosecution before the USPTO, claims are to be given their broadest reasonable interpretation, and the scope of a claim cannot be narrowed by reading disclosed limitations into the claim. See In re Morris, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997); In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550 (CCPA 1969). Appellants, particularly in the Reply Brief, base arguments on embodiments of the invention to which instant claim 1 is not limited. We decline to, indeed cannot, narrow the scope of the claim by interpreting it to be limited to any particular disclosed embodiment that is not required by the language that appellants have chosen in setting out the metes and bounds of the claimed invention. We further note that appellants’ specification (at 7, l. 30 - 8, l. 15) is contrary to appellants’ ad hoc position.

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We therefore find no error in the rejection of representative claim 1.¹ We thus sustain the rejection of claims 1-3, 6-9, 11-20, 31-45, and 47-73.

Appellants do not separately argue the rejection over Hertel, Johnson, and Mansell. Instant claim 4 recites that the position determination device comprises an accelerometer. Mansell teaches (col. 9, l. 67 - col. 10, l. 18) that an accelerometer may advantageously replace or supplement a GPS receiver. We thus sustain the rejection of claim 4, and of claims 5, 10, and 46 also rejected.

CONCLUSION

The rejection of claims 1-20 and 31-73 under 35 U.S.C. § 103 is affirmed.

¹ We observe that, under an alternative and reasonable interpretation of claim 1, the “communication interface,” with respect to “the information,” need only be capable of transmitting and receiving such information. The claim does not positively set forth a “central agency,” which is disclosed as processing received information and transmitting further information in return. The “communication interface” that is set forth makes no decisions with respect to the meaning of the information. See, e.g., original claim 1; Figure 1, element 39.

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

AFFIRMED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
JERRY SMITH)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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