

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

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* DAVID N. HIMEBAUGH

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Appeal No. 2006-0165  
Application 10/292,721

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ON BRIEF

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Before OWENS, GROSS and BARRY, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

*DECISION ON APPEAL*

This appeal is from a rejection of claims 1-3 and 5-10.

Claim 4 has been canceled.

*THE INVENTION*

The appellant claims a method and system for providing combined dispatching, mapping and metering data to a mobile unit such as a taxicab. Claims 1 and 10 are illustrative:

1. A method to provide combined dispatching, mapping and metering for a mobile unit comprising:
  - (a) receiving a request from a customer for a mobile unit with a driver to take the customer from an origination point to a destination point;
  - (b) storing the request in the form of request data in a web server that is remote from the mobile unit, the request data includes pick up and destination points;
  - (c) providing a computer processing unit located in the mobile unit, the computer processing unit;
    - (i) receives the request data;
    - (ii) processes the request data into request processed information that includes address information turned into a mapping solution;
    - (iii) receives metering data; and
    - (iv) processes the metering data into metering information;
  - (d) transmitting the request data from the web server to the computer processing unit; and
  - (e) transmitting the request processed information that includes address information turned into a mapping solution and the metering information from the computer processing unit to a driver interface module located in the mobile unit.

10. A system for use in providing a combined dispatching, mapping, metering and advertising comprising:

- (a) a mobile unit for a driver and a passenger;
- (b) a computer processing unit in the mobile unit;
- (c) a first screen display in the mobile unit and coupled to the computer processing unit;
- (d) a second screen display in the mobile unit and a coupled to the computer processing unit;
- (e) means transmitting global positioning navigational data to the computer processing unit; and
- (f) a web server remote to the mobile unit and wirelessly coupled to the computer processing unit.

*THE REFERENCES*

Suarez et al. (Suarez)	6,212,393	Apr. 3, 2001
Tamam	6,347,739	Feb. 19, 2002
Fan	6,664,922	Dec. 16, 2003 (filed Aug. 2, 1999)

*THE REJECTIONS*

The claims stand rejected under 35 U.S.C. § 103 as follows:

claim 1 over Suarez in view of Tamam; claims 2 and 3 over Suarez in view of Fan; claims 5-9 over Suarez in view of Fan and Tamam; and claim 10 over Suarez.

*OPINION*

We affirm the aforementioned rejections.

*Claim 1*

Suarez discloses a system and method for communication between a dispatch center (16) and wireless communication devices (36) in vehicles (14) such as taxicabs and delivery trucks (col. 2, line 66 - col. 3, line 33). The input to the dispatch center is from a message input device (24) via a communication means which can be the Internet (col. 3, lines 1-10). The dispatch center includes a dispatch controller (18) that "encodes inbound requests for dispatch **28** into outbound assignment messages **32**, and decodes inbound replies **38** from the vehicles **14** for matching of a request for dispatch **28** with a vehicle **14** that affirmatively replies" (col. 3, lines 21-25). The dispatch center sends the assignment message to an assignment manager (58) in the wireless communication device, and a processor (60) coupled to the assignment manager stores the assignment message in a memory (54) (col. 3, lines 61-62; col. 4, lines 32-44). "The driver then chooses to review the data **52** of the assignment message **32** on a display screen in the case of data messages or play the recorded voice message in the case of voice

messages" (col. 4, lines 53-56). The assignment manager preferably is programmed to include a criteria parameter (62) for comparing a location parameter (50), which identifies the geographical location of the transmitted assignment, with a current vehicle location (56) stored in the processor's memory (col. 5, lines 7-10). The criteria parameter may be a calculation, equation, function or comparison value, and when the criteria parameter is satisfied, for example when the vehicle is within a specified perimeter, driving distance or driving time from the assignment, the assignment message is sent to the assignment manager's processor for further processing (col. 5, line 36 - col. 6, line 31). The wireless communication device includes a global positioning system for determining the vehicle's location (col. 7, line 54 - col. 8, line 13).

Tamam discloses a taxicab on-board system which permits passengers to pay their fares by credit card wirelessly over the Internet, displays the fares and tips for verification by the passengers, and permits taxicabs to communicate over the Internet with each other and with the fleet owners (col. 2, lines 38-56; col. 4, lines 29-34; col. 5, line 57 - col. 6, line 2).

The appellant argues that Suarez does not disclose turning address information into a mapping solution but, rather, calculates criteria parameters for limiting receipt of assignment messages by drivers (brief, page 12).

Suarez discloses that the wireless communication device preferably uses a navigation program to calculate whether the vehicle meets the criteria parameters by being within a specified driving distance or driving time of the assignment, and that program takes traffic conditions into account (col. 5, line 7 - col. 6, line 31; col. 11, line 57 - col. 12, line 38). That disclosure at least would have fairly suggested, to one of ordinary skill in the art, processing the assignment address and vehicle location into a mapping solution in order to determine, taking into account traffic conditions, the driving distance or driving time. Suarez would have fairly suggested, to one of ordinary skill in the art, displaying the mapping solution to the driver when the criteria parameters are met to provide the driver with the shortest or quickest route from the vehicle's location to the assignment address.

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The appellant argues that Suarez does not disclose processing metering data into metering information or transmitting metering information to a driver interface module (brief, page 12).

We take official notice that it was notoriously well known in the art to process taxicab metering data into metering information such as the cost of the trip and to display that information. For example, Tamam discloses displaying fare information for verification by passengers (col. 4, lines 33-34).

Suarez's disclosure of displaying the assignment message to the driver on a display screen (col. 4, lines 53-56; col. 4, line 64 - col. 5, line 4) would have fairly suggested, to one of ordinary skill in the art, displaying the metering information on the same display screen to provide the driver with that information without the expense or space requirement of a separate screen.

The appellant argues that Suarez does not store request data in a web server that is remote from the vehicle (brief, pages 12-13).

Suarez discloses that the dispatch center includes a dispatch controller that encodes passengers' inbound dispatch requests into outbound assignment messages, and decodes inbound replies from the vehicles for matching a request for dispatch with a vehicle that affirmatively replies (col. 3, lines 13-14 and 21-25). That disclosure would have fairly suggested, to one of ordinary skill in the art, storing, at the dispatch center, the requests and replies so that they can be matched. Suarez's disclosures that the requests can be received over the Internet and that the dispatch center communicates with the vehicle wirelessly (col. 3, lines 6-10 and 31-32) would have fairly suggested, to one of ordinary skill in the art, storing the data in a web server and transmitting the matched requests and replies to the vehicles over the Internet.

*Claim 2*

Fan discloses a method for distributing location relevant information including advertising of local interest, discount coupons accepted by local businesses, and addresses of local points of interest, to data receivers in mobile units which can be taxicabs (col. 1, lines 63-67; col. 2, line 55 - col. 3, line 1).

The appellant argues that there is no motivation in Suarez or Fan to merge the two technologies, and that it is unclear how Suarez would be modified by one of ordinary skill in the art to incorporate Fan's disclosure (brief, page 16).

The motivation would have been to provide the taxicab passengers with Fan's location relevant information, and Suarez would have been modified by programming the wireless communication device's processor to receive the data and display it to the passengers.

*Claims 3 and 5-9*

Regarding claims 3 and 5-9 the appellant relies upon the arguments set forth with respect to claims 1 and 2 (brief, pages 16-19).<sup>1</sup> Those arguments are not persuasive for the reasons given above regarding the rejections of claims 1 and 2.

*Claim 10*

The appellant argues that there is no suggestion in Suarez to add a second screen display coupled to the processor (brief, page 20).

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<sup>1</sup> The appellant recites the limitations of claims 3 and 5-9 (brief, pages 17-19), but that is not a substantive argument for the separate patentability of those claims.

Suarez would have fairly suggested, to one of ordinary skill in the art, coupling both the assignment message display and a metering display to the same processor to avoid the expense of a second processor for displaying the metering data.

*Unexpected results*

The appellant argues (brief, pages 21-26) that the declaration of John L. Lu (signed November 23, 2004) points out that the reference would not have suggested, to one of ordinary skill in the art, the claim limitations argued in the appellant's brief. Lu's arguments are essentially a repeat of the appellant's arguments discussed above, and are not convincing for the reasons given with respect to the appellant's arguments.

The appellant argues that the declarations of James D. Campolongo (signed December 8, 2004) and the inventor, David N. Himebaugh (signed November 23, 2004), indicate a long felt need to accomplish what the appellant's invention accomplishes, and show that noone has combined all of the technologies encompassed by the appellant's claims (brief, pages 27-28). The need was long felt because the computer technology had not been developed sufficiently to carry out the requirements those claims. Once the computer technology was developed, using it to carry out the

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requirements of the appellant's claims would have been fairly suggested to one of ordinary skill in the art by the applied references as discussed above.

*Conclusion*

For the above reasons we are not convinced of reversible error in the examiner's rejections. Accordingly, we affirm those rejections.

*DECISION*

The rejections under 35 U.S.C. § 103 of claim 1 over Suarez in view of Tamam, claims 2 and 3 over Suarez in view of Fan, claims 5-9 over Suarez in view of Fan and Tamam, and claim 10 over Suarez, are affirmed.

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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)(1)(iv).

*AFFIRMED*

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TERRY J. OWENS )  
Administrative Patent Judge )  
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) BOARD OF PATENT  
ANITA PELLMAN GROSS )  
Administrative Patent Judge ) APPEALS AND  
)  
) INTERFERENCES  
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LANCE LEONARD BARRY )  
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