

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 ARNE FRIEDRICHES, GERD DRAEGER
and VOLKER SKWAREK

Appeal No. 2006-0835
Application No. 10/320,024

ON BRIEF

Before OWENS, LEVY and NAPPI, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

This appeal is from a rejection of claims 1-6 and 8-15. Claim 7 has been allowed.

THE INVENTION

The appellants claim a method for making route data available to a navigational device, wherein route segments transmitted to the navigational device contain a starting field including a plurality of possible routes. Claim 1 is illustrative:

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1. A method for making available route data for a navigational device, comprising:

dividing up a route from a starting point to a destination requested by the navigational device into a plurality of route segments each including a part of the route;

transmitting a first route segment to a navigational unit of the navigational device upon request, the first route segment including a starting field around the starting point, the starting field including a plurality of possible routes and a main route to an intermediate destination on the route to the destination;

transmitting a second route segment, before the intermediate designation is reached, to the navigational unit of the navigational device, the second route segment including a plurality of possible routes around the intermediate destination as a starting field and a main route to one of an additional intermediate destination on the route to the destination and the destination; and

repeating the second route segment transmitting step for additional route segments for additional intermediate destinations until the destination is reached.

THE REFERENCES

Hessing	6,334,089	Dec. 25, 2001
Mikkola et al.	6,529,143	Mar. 4, 2003
(Mikkola)		(filed Oct. 21, 1999)

THE REJECTIONS

The claims stand rejected as follows: claims 1, 2, 4-6 and 10-12 under 35 U.S.C. § 102(e) as anticipated by Hessing; claims 3, 8 and 9 under 35 U.S.C. § 103 as obvious over Hessing in view of Mikkola; and claims 13-15 under 35 U.S.C. § 103 as obvious over Hessing.

OPINION

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We reverse the aforementioned rejections. We need to address only claim 1, which is the sole independent claim. That claim requires a starting field including a plurality of possible routes.

Hessing discloses a vehicle routing and guiding system comprising a central server that determines the optimum route for a vehicle and transmits the route piecewise to the vehicle so that the vehicle's navigation system needs only a small memory capacity (col. 3, lines 48-62; col. 4, lines 12-33 and 56-58; col. 5, lines 1-10).

The examiner argues that the appellants' claim 1 merely requires that a plurality of possible routes exist, and that Hessing's digital map inherently includes a plurality of possible routes (answer, pages 3-4).

The appellants' claim 1 requires a starting field including a plurality of possible routes. Thus, the examiner's interpretation of the claim as merely requiring the existence of a plurality of possible routes is incorrect. The examiner has not explained how Hessing discloses or, alone or in combination with Mikkola, would have fairly suggested, to one of ordinary skill in the art, such a starting field. The examiner, therefore, has not carried the burden of establishing a *prima facie* case of anticipation or obviousness of the appellants' claimed invention.

DECISION

The rejections of claims 1, 2, 4-6 and 10-12 under 35 U.S.C. § 102(e) over Hessing, claims 3, 8 and 9 under 35 U.S.C. § 103 over Hessing in view of Mikkola, and claims 13-15 under 35 U.S.C. § 103 as obvious over Hessing, are reversed.

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REVERSED

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