

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* CARL LAMONT

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Appeal 2007-2630  
Application 10/299,546  
Technology Center 2800

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Decided: November 13, 2007

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*Before:* JOSEPH F. RUGGIERO, JOHN A. JEFFERY and  
KEVIN F. TURNER, *Administrative Patent Judges.*

TURNER, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF CASE

Appellant appeals under 35 U.S.C. § 134 from final rejection of claims 20-29, where claims 1-19 were previously cancelled. We have jurisdiction under 35 U.S.C. § 6(b).

The application discloses a method related to ticketing systems used by law enforcement agencies that contain automated features that increase the efficiency and accuracy of the ticketing process. The system includes a vehicle information scanner and a driver identification scanner to obtain information regarding a vehicle and a driver involved in a vehicular

violation, and transfers that information to be used in a printed ticket.  
(Specification 1: 6-12, 8: 16-27, 9:1-25).

The independent claim 20, which is the sole independent claim, reads as follows:

20. A method for a law enforcement professional to create a ticket for a vehicular violation, said method comprising the steps of:

optically scanning a license plate of a vehicle involved in a violation to electronically gather license plate data corresponding to said vehicle;

electronically scanning a driver's license of a driver of said vehicle to electronically gather driver's license data corresponding to said driver; and

automatically transferring said license plate data and said driver's license data onto a printed ticket to be given to said driver by said law enforcement professional.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Morgan	US 6,411,874 B2	Jun. 25, 2002
Anderson	US 6,433,706 B1	Aug. 13, 2002

The Examiner rejected under 35 U.S.C. § 103(a) claims 20-29 as unpatentable over Morgan and Anderson.

Appellant contends that the Examiner erred in indicating that the claimed subject matter would have been obvious. More specifically, Appellant has argued (1) that Morgan and Anderson fail to teach or suggest all of the elements of the rejected claims and (2) that the rejection lacks proper motivation for the combination and uses wrongful hindsight

reconstruction. (Br. 4-6)<sup>1</sup>. The Examiner finds that Morgan and Anderson teach or suggest all of the elements of claim 20 and that proper motivation to combine the references was found and it was not the result of improper hindsight reconstruction. (Answer 12-15)<sup>2</sup>. While Appellant has addressed the patentability of all of the rejected claims, separate arguments have only been raised with respect to claim 20 and we concern ourselves with representative claim 20.

We affirm.

### ISSUE

Has Appellant shown that the Examiner erred in finding claim 20 obvious in view of Morgan and Anderson?

### FINDINGS OF FACT

1. As disclosed in the instant application, a system includes a vehicle identification scanner and a driver identification scanner associated with a police vehicle and in communication with a computer terminal. The scanners provide their respective information by scanning the vehicle and the driver's license, respectively. The system may also be embodied in a handheld unit, with different types of scanners to provide information to be used in a citation ticket. (Specification 8:7 – 9:18, 10:16 – 11:21; Figs. 1, 2; elements 10, 12, 14, 18, 20, 26).

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<sup>1</sup> We rely and refer back to the most recent Appeal Brief, filed September 24, 2005.

<sup>2</sup> We rely and refer back to the most recent Examiner's Answer, mailed October 5, 2006.

2. The instant application discloses a method whereby a violator is detained and the offender and vehicle information is scanned. Both types of information are run against a central database to determine if the offender is wanted and/or the vehicle is stolen. If matched information is obtained, it is presented to the officer, who selects a violation and prints a ticket to be issued to the offender. (Specification 14:19 – 17-20; Fig. 4, elements 40-66).

3. Claim 20 recites that the license plate of a vehicle is optically scanned to electronically gather license plate data, the driver's license of the driver is electronically scanned to gather driver's license data and both kinds of data are automatically transferred to a printed ticket to be given to the driver.

4. Morgan discloses a central system for controlling vehicle peripherals and subsystems. The system includes a video camera subsystem that selects, displays and transmits a still image from one of several cameras, where one of those cameras is pointed so as to be able to capture the field of view immediately in front of the police vehicle. The system also includes a hand held unit that communicates with a central controller in the vehicle and has a magnetic stripe reader to input information that is encoded on cards. During a traffic stop, the officer can enter driver and offense information and have that information be used on a printed out citation or ticket. (Col. 1, ll. 33-38, col. 5, ll. 54-63, col. 6, ll. 20-25, 35-38, 64-67, col. 14, ll. 6-16; Fig. 1, elements 22, 30, 32, 42, 44, 47, 49).

5. The Examiner acknowledges that while Morgan discloses capturing an image of a license plate, it fails to disclose that the license plate is optically scanned. (Answer 9).

6. Anderson discloses a license plate surveillance system, where any vehicle extant within the field of view of an electronic camera can be interpreted as a character sequence group. The output of the camera is sent to a processor that includes a character recognition engine and means for matching character sequence groups. The results are compared with a database of license plate numbers and provided on a display device. (Abstract, col. 4, ll. 20-40, col. 5, ll. 16-35; Fig. 3, elements 14, 20, 22, 23, 26, 30).

#### PRINCIPLES OF LAW

The Examiner bears the initial burden of presenting a prima facie case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992). If that burden is met, then the burden shifts to the Appellant to overcome the prima facie case with argument and/or evidence. *In re Mayne*, 104 F.3d 1339, 1342 (Fed. Cir. 1997).

“Section 103 forbids issuance if a patent when ‘the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.’” *KSR Int’l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1734 (2007).

The claims on appeal should not be confined to specific embodiments described in the Specification. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1323

(Fed. Cir. 2005) (*en banc*). During *ex parte* prosecution, claims must be interpreted as broadly as their terms reasonably allow since applicants have the power during the administrative process to amend the claims to avoid the prior art. *In re Zletz*, 893 F.2d 319, 321-22 (Fed. Cir. 1989).

### ANALYSIS

Appellant argues that the system in Morgan has the same defaults as traditional paper systems in that it depends on the neatness and accuracy of the officer. Given, however, that both Morgan and the instant application disclose the use of magnetic card readers to increase accuracy, we believe there is no distinction between the two. (Findings of Fact 1, 4).

Appellant also argues that Morgan fails to teach the optical scanning of a license plate or the automatic transfer of information gleaned from the license plate and driver's license to the printed ticket. We note, however, that driver's license information received by swiping of that license is disclosed by Morgan as being transferred to the printed ticket. (Finding of Fact 4). Appellant argues that Anderson does not disclose optically scanning license plates or transferring data onto the violation ticket. Considering that Appellant has acknowledged that Anderson does scan license plates, (Br. 5), we find untenable the assertion that it does not disclose optically scanning license plates. Given that Morgan teaches the automatic incorporation of scanned information into a printed ticket, and Anderson provides a mechanism to electronically provide license plate information, the combination would be expected to incorporate the latter type of data into the ticket, as the Examiner has found.

Appellant also argues that the combination of Morgan and Anderson requires the selective combination of various elements without providing a reason for the combination other than hindsight gleaned from the application. We disagree, because the motivation proffered in the rejection, namely having optical character recognition data in addition to license image data which can be used in different applications, is sufficient to enable the combination and Appellant has provided no reasons why the references should not be combined.

#### CONCLUSION OF LAW

We conclude that Appellant has not shown that the Examiner erred in rejecting claims 20 through 29 and we affirm the Examiner's rejections of those claims under 35 U.S.C. § 103(a) as unpatentable over Morgan and Anderson.

#### DECISION

The decision of the Examiner is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

#### AFFIRMED

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