

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID B. DWYER

Appeal 2007-2927
Application 10/650,008
Technology Center 3600

Decided: June 27, 2008

Before MURRIEL E. CRAWFORD, HUBERT C. LORIN, and
JOSEPH A. FISCHETTI, *Administrative Patent Judges*.

CRAWFORD, *Administrative Patent Judge*.

DECISION ON REQUEST FOR REHEARING

Appellants request rehearing of our Decision of March 17, 2008,
wherein we affirmed the Examiner's rejection of the appealed claims 1 to 12
under 35 U.S.C. § 102(b) as being anticipated by Deker.

Appellant contends that the Board erred in finding that Deker discloses a processor that receives data representative of the air traffic control clearance message. In Appellant's view any message received in the Deker process is received is about an event requiring diversion not an air traffic control clearance message and the message is supplied from the mass storage unit.

Appellant is correct that the processor disclosed in Deker receives a message about an event requiring diversion. However, as we found in our original decision at pages 3 and 4, this message about an event is representative of an air traffic control clearance message. In this regard we note that the events disclosed in Deker, such as bad weather or airport congestion, affect whether or not the airplane can land at a specific airport at a specific time. As such, the messages about such events relate to the plane's clearance to land and therefore are air traffic control messages as broadly claimed. In addition, the processor receives these messages through the data link 15 with the ground rather than from the mass storage unit as argued by Appellant (col. 4, ll. 26 to 27).

Lastly, Appellant contends that there is no disclosure of a display that is responsive to clearance message display commands to display textual air traffic clearance messages.

We do not agree. In response to the activation of the EXPLAIN command, the system displays a message that explains the reasons that a specific flight plan has been accepted or not accepted. Because this display relates to a flight plan or an airport that has been accepted or not accepted,

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i.e., cleared or not cleared, it is a textual air traffic clearance message as broadly claimed.

Accordingly, Appellant's request is granted to the extent we have reconsidered our Decision but is denied with respect to making any change therein.

DENIED

vsh

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