

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

*Ex parte* JOHN W. CURRAN, EDWARD V. APPLEGATE,  
JOSEPH KOSICH, RICHARD H. FETTERLY,  
and ANTHONY W. RUSSO II

---

Appeal 2007-3239  
Application 10/323,875  
Technology Center 2600

---

Decided: February 28, 2008

---

Before JOSEPH F. RUGGIERO, MAHSHID D. SAADAT,  
and ROBERT E. NAPPI, *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 6(b) (2002) of the final rejection of claims 1 through 37.

We affirmed-in-part the Examiner's rejections of these claims.

## INVENTION

The invention is directed to an apparatus for boosting an audio signal. See page 2 of Appellants' Specification. Claim 1 is representative of the invention and reproduced below:

1. A notification system, said system comprising:
  - a notification panel for generating an audio signal;
  - a first audio booster, deployable remotely from said notification panel along a circuit, for receiving said audio signal and for amplifying a power of said audio signal; and
  - at least one notification appliance for broadcasting said amplified audio signal, wherein said first audio booster appears to said notification panel as one of said at least one notification appliance.

## REFERENCES

Berry	US 4,881,058	Nov. 14, 1989
Costa	US 5,887,067	Mar. 23, 1999

## REJECTIONS AT ISSUE

Claims 1 through 10, 13 through 17, 20 through 28, and 31 through 35 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Costa. The Examiner's rejection is on pages 4 through 8 of the Answer.

Claims 11, 12, 18, 19, 29, 30, 36, and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Costa in view of Berry. The Examiner's rejection is on pages 9 and 11 of the Answer.

Throughout the opinion, we make reference to the Brief (received December 16, 2005) and the Answer (mailed March 9, 2006) for the respective details thereof.

## ISSUES

### *Independent claim 1*

Appellants contend, on pages 3 through 6 of the Brief, that the Examiner's rejection of independent claim 1 under 35 U.S.C. § 102(b) is in error. Appellants argue that:

Costa does not teach the Appellants' novel invention of an audio booster, deployable remotely from a notification panel along a circuit, for receiving an audio signal and for amplifying a power of said audio signal and wherein said first audio booster appears to said notification panel as one of said at least one notification appliance. Thus, it is absolutely clear that Costa's second panel is incapable of appearing as one of the notification appliances because it is in fact a second panel as shown in FIG. 1 of Costa.

Brief 5.

Thus, the contentions of Appellants present us with the issue of whether Costa teaches an audio booster which appears to the notification panel as a notification appliance as recited in claim 1.

### *Independent claim 3*

Appellants contend, on pages 6 through 9 of the Brief, that the Examiner's rejection of independent claim 3 under 35 U.S.C. § 102(b) is in error. Appellants present arguments similar to those discussed with respect to claim 1.

Thus, the contentions of Appellants present us with the issue of whether Costa teaches an audio booster which appears to the notification panel as a notification appliance as recited in claim 3.

### *Independent claim 20*

Appellants contend, on pages 17 through 19 of the Brief, that the Examiner's rejection of independent claim 20 under 35 U.S.C. § 102(b) is in

error. Appellants present arguments similar to those discussed with respect to claim 1.

Thus, the contentions of Appellants present us with the issue of whether Costa teaches an audio booster which appears to the notification panel as a notification appliance as recited in claim 20.

#### FINDINGS OF FACT

1. Costa teaches an audio communication for a life safety system (alarm system). Abstract.
2. Costa's system makes use of several audio communication portions (item 10). Each audio communication portion has a CPU (item 18) which communicates with the CPUs of the other audio portions via data lines 20 and 22. Fig. 1, col. 3, ll. 47-50, and 61-63.
3. The CPU of each communication portion (item 10) is also connected to several Local Rail Modules (LRMs, items 24) via communication rails (items 26, 27). Costa figure 1, col. 3, ll. 64.
4. There are various types of LRMs including an audio amplifier (item 14). Col. 4, ll. 16-25.
5. The audio amplifier modules (item 14) receive input from the CPU and provide output to the connected speakers (items 16). Costa, col. 3, ll. 49-51.
6. When there is an alarm condition, the CPU controls the local audio amplifier to send output to the speakers. Costa, col. 5, ll. 16-19.
7. The processors in each audio communication portion can transmit audio information to adjacent audio communication portions. The

adjacent audio communication portions pass this data along to their associated LRMs and also to the next adjacent audio communication portion. Thus, one audio communication portion can distribute audio data to be communicated by any and all modules. Costa, col. 5, ll. 48-51, 54-62, col. 6, l. 67-col. 7, l. 5.

## ANALYSIS

*Independent claim 1 and claims dependent thereupon*  
Appellants' arguments have persuaded us of error in the Examiner's rejection of claim 1 under 35 U.S.C. § 102(b). Independent claim 1 recites:

a first audio booster, deployable remotely from said notification panel along a circuit, for receiving said audio signal and for amplifying a power of said audio signal; and  
at least one notification appliance for broadcasting said amplified audio signal, wherein said first audio booster appears to said notification panel as one of said at least one notification appliance.

Thus, the scope of independent claim 1 includes an audio booster that receives an audio signal, and a notification appliance (e.g., a speaker) that broadcasts the signal amplified by the audio booster. The scope of claim 1 further recites that the audio amplifier appears to the notification panel as one of the notification appliances. Within the context of claim 1, we consider this limitation, to require the audio booster, as viewed or controlled by the notification panel, to be the same as if the audio booster were a notification appliance (i.e., notification panel views and controls the amplifier and speaker in the same manner).

The Examiner states, on page 13 of the Answer:

[C]ommunication portion 10 corresponds to claimed element "a notification panel", panel arrangement 1 corresponds to "a notification system", audio amplifier 14 corresponds to "audio booster", and speaker 16 corresponds to "at least one notification appliance". From Figure 1, Costa shows three communication portion 10s interconnected via remote audio data line 22s, i.e., communication portion 10s are remote each other (column 3, line 61-column 4, line 14). In other words, as one communication portion 10 (first one) deploying an audio amplifier 14 of another communication portion 10 (second one), limitation "deployable remotely is met". Limitation "along a circuit" is also met since the two communication portion 10s constitute "a circuit". Therefore, limitation "wherein the first audio booster appears to the notification panel as one of the at least one notification appliance" is also met since audio amplifier 14 (of second communication portion 10), which operates by software, thus appears to first communication portion 10 as speaker (16, Figs. 1, 7 ; col. 9, lines 22-47).

While we agree with the Examiner that Costa teaches the claimed notification panel, audio booster and notification appliance, we disagree with the Examiner's finding that the audio amplifier of the second communication portion appears to the communication portion as a speaker. Costa teaches that the amplifiers receive data from the CPU and drive the speakers to provide an alarm indication. Facts 5 and 6. Further, Costa teaches that one CPU can drive any and all of the audio devices. Fact 7. Thus, Costa teaches that all of the communication devices (items 10) and their associated audio amplifiers look the same to the CPU. However, we do not find that all of the communication devices (items 10) and their associated audio amplifiers appear to the panel as a notification appliance (e.g., a speaker) that broadcasts the signal amplified by the audio booster.

Accordingly, we reverse the Examiner’s rejection of independent claim 1 and the claims dependent thereupon, claims 2, 4 through 10, and 13 through 17 under 35 U.S.C. § 102(b). Further, as the Examiner has not presented evidence, nor do we find any, that Berry makes obvious modifying Costa to include such a feature, we similarly reverse the Examiner’s rejection of claims 11, 12, 18, and 19 under 35 U.S.C. § 103(a).

*Independent claim 3*

Appellants’ arguments have not persuaded us of error in the Examiner’s rejection of claim 3. Initially, we note that while Appellants’ contentions raise the same issue as discussed with respect to claim 1, claim 3 has a different scope than claim 1. Specifically, claim 3 does not contain the limitation that limits the “notification appliance” to being a device for broadcasting an amplified audio signal from an audio booster. Rather, claim 3 merely recites “wherein said amplification apparatus appears to said notification panel as a notification appliance.” By the concept of claim differentiation, it is clear that the scope of the term “notification appliance” is broader than in claim 1 and is not limited to just a device for broadcasting an amplified audio signal from an audio booster. In the context of the claim 3, we consider this term to encompass any apparatus which provides notification. Claim 3 further, recites “wherein said amplification apparatus appears to said notification panel as a notification appliance.” As discussed *supra* with respect to claim 1, we consider this limitation, to require the audio booster, as viewed or controlled by the notification panel, to be the same as if the audio booster were a notification appliance.

As discussed *supra* with respect to claim 1, we agree with the Examiner, that Costa teaches the claimed notification panel, audio booster

Appeal 2007-3239  
Application 10/323,875

and notification appliance. We find that Costa teaches that the audio communication portions (items 10), includes an amplification LRM. Fact 2. Further, Costa teaches that each communication portion can transmit audio information to control other communication portions, and their LRMs. Fact 7. Thus, Costa teaches that a controlling communication portion (item 10) controls the CPUs and audio amplifiers of adjacent communication portions, in the same manner as the controlling communication portion controls its associated the audio amplifier. We consider this teaching to meet the limitation of an amplification apparatus appearing to said notification panel as a notification appliance. Appellants' argument, on page 8 of the Brief, that both the controlling item 10 and the adjacent item 10 are referred to as a panel, is not persuasive. As discussed above, in the context of claim 3, the term "notification appliance" is broad enough to encompass any apparatus which provides notification, and clearly the adjacent panels have this capability. Further, Appellants' argument, on page 8 of the Brief that Costa teaches away from the invention is not persuasive, as teaching away is an issue directed to obviousness, and not anticipation. Accordingly, we sustain the Examiner's rejection of claim 3.

*Independent claim 20 and claims dependent thereupon*

Appellants' arguments have persuaded us of error in the Examiner's rejection of claim 20. Claim 20 is similar to claim 1 in that claim 20 recites "providing at least one notification appliance for broadcasting said amplified audio signal; wherein said first audio booster appears to said notification panel as one of said at least one notification appliance." Thus, as discussed with respect to claim 1, we do not find that Costa teaches this limitation.

Appeal 2007-3239  
Application 10/323,875

Accordingly, we reverse the Examiner's rejection of independent claim 20 and the claims dependent thereupon, claims 21 through 28, and 31 through 35 under 35 U.S.C. § 102(b). Further, as the Examiner has not presented evidence, nor do we find any, that Berry makes obvious modifying Costa to include such a feature, we similarly reverse the Examiner's rejection of claims 29, 30, 36, and 37 under 35 U.S.C. § 103(a).

#### ORDER

For the foregoing reasons, we will not sustain the Examiner's rejections of claims 1, 2, and 4 through 37. However, we affirm the Examiner's rejection of claim 3. The decision of the Examiner is affirmed-in-part.

#### AFFIRMED-IN-PART

KIS

PATTERSON & SHERIDAN L.L.P.  
595 SHREWSBURY AVE, SUITE 100  
FIRST FLOOR  
SHREWSBURY, NJ 07702