

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MATT C. VIDETICH

Appeal 2007-3819
Application 10/136,100
Technology Center 2600

Decided: November 28, 2008

Before KENNETH W. HAIRSTON, JOHN A. JEFFERY, and MARC S. HOFF, *Administrative Patent Judges*.

HAIRSTON, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. §§ 6(b) and 134 from the final rejection of claims 1 to 13.

The disclosed invention relates to a method and a system for determining an authorization status of a satellite broadcast service for a mobile vehicle. An authorization status request from the satellite broadcast service that is directed to the mobile vehicle is received by a call center. The request is thereafter sent by the call center to the mobile vehicle. An authorization status signal from the mobile vehicle is received by the call center, and the authorization status is then sent to the satellite broadcast service (Figs. 1 and 2; Spec. 2, 4, 8, and 13).

Claim 1 is representative of the claimed invention, and it reads as follows:

1. A method for determining an authorization status of a satellite broadcast service for a mobile vehicle, comprising:
 - receiving a request from the satellite broadcast service for the authorization status for the mobile vehicle at a call center;
 - sending a request signal from the call center to the mobile vehicle;
 - receiving an authorization status signal from the mobile vehicle at the call center; and
 - sending the authorization status to the satellite broadcast service from the call center.

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

Yee US 6,151,497 Nov. 21, 2000

The Examiner rejected claims 1 to 10 under 35 U.S.C. § 102(b) based upon the teachings of Yee.

The Examiner rejected claims 11 to 13 under 35 U.S.C. § 103(a) based upon the teachings of Yee.

Turning first to the anticipation rejection, the Examiner contends *inter alia* that Yee describes a method, a computer usable medium, and a system for determining an authorization status of a satellite broadcast service for a mobile vehicle as set forth in claims 1, 4, and 7, respectively (Ans. 4 and 5). Appellant contends that the “disclosure in Yee is opposite the claimed elements, which require that the request is received from the satellite broadcast service rather than the individual mobile subscriber or subscriber applications” (App. Br. 9).

Yee describes a satellite communications system in which a mobile subscriber unit 50 requests a service from an application service provider 40 via message link 56, satellite communications system 10, and gateway 30. The requested service from the application service provider 40 is sent to the mobile subscriber unit 50 via the gateway 30, the satellite communications system 10, and a high-bandwidth downlink 58 (Fig. 2; Abstract; col. 2, ll. 40 to 61; col. 3, ll. 9 to 59; col. 6, ll. 28 to 37).

In view of the noted teachings by Yee, we agree with the Appellant that the request in Yee is “opposite the claimed elements” (App. Br. 9). Stated differently, the claimed request is made by the satellite broadcast service (i.e., application service provider) whereas the request in Yee is made by the mobile subscriber unit. Thus, the anticipation rejection of claims 1 to 10 is reversed because each and every limitation in the claims is not found either expressly or inherently in the cited reference to Yee. *In re Crish*, 393 F.3d 1253, 1256 (Fed. Cir. 2004).

Turning to the obviousness rejection of claims 11 to 13, this rejection is reversed because Yee neither teaches nor would have suggested to one of ordinary skill in the art the claimed subject matter, and because the Examiner’s articulated reasoning for the rejection does not support a legal conclusion of obviousness. *KSR Int’l v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741 (2007).

The decision of the Examiner is reversed.

REVERSED

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