

1 UNITED STATES PATENT AND TRADEMARK OFFICE

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3  
4 BEFORE THE BOARD OF PATENT APPEALS  
5 AND INTERFERENCES  
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7  
8 *Ex parte* LAURIE E. GATHMAN and JACK HAKEN  
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11 Appeal 2008-1484  
12 Application 09/971,141  
13 Technology Center 3600  
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16 Decided: December 23, 2008  
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19 *Before* MURRIEL E. CRAWFORD, JOSEPH A. FISCHETTI, and BIBHU  
20 R. MOHANTY, *Administrative Patent Judges*.

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22 CRAWFORD, *Administrative Patent Judge*.

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25 DECISION ON APPEAL  
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28 STATEMENT OF THE CASE

29 Appellants appeal under 35 U.S.C. § 134 (2002) from a final rejection  
30 of claims 1 to 21. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

31 Appellants invented a method and system for making public facility  
32 information available by dissemination through a virtual ticket device  
33 (Specification 1).

1 Claim 1 under appeal reads as follows:

2 1. In a public facility in communication  
3 with at least one patron through a virtual ticket  
4 device (VTD) interface, a method of doing  
5 business, comprising:  
6 detecting that a VTD is within  
7 communication range of the VTD interface;  
8 determining the identity and location of the  
9 detected VTD; and  
10 selectively providing information to the  
11 identified VTD on the basis of the determined  
12 identity and location.  
13

14 The Examiner rejected claims 1 to 4, 9 to 16, and 18 to 21  
15 under 35 U.S.C. § 102(e) as being anticipated by Brown.

16 The Examiner rejected claim 7 under 35 U.S.C. § 103(a) as being  
17 unpatentable over Brown in view of Poor.

18 The Examiner rejected claims 5, 6, 8, and 17 under 35 U.S.C. § 103(a)  
19 as being unpatentable over Brown.

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

22	Brown	US 2003/0061303 A1	Mar. 27, 2003
23	Poor	US 2004/0263494 A1	Dec. 30, 2004
24			

25 Appellants contend that Brown does not disclose a virtual ticket  
26 device.

27

28 **ISSUE**

29 Have Appellants shown that the Examiner erred in finding that Brown  
30 discloses a virtual ticket device?

31

FINDINGS OF FACT

1  
2 1. Appellants disclose a method of doing business which allows a  
3 public facility information guide to be operable through a virtual ticket  
4 device (“VTD”) (Specification 7).

5 2. The VTD is a portable computer system that accepts and retains  
6 virtual tickets for sporting events, theater, concerts, and the like  
7 (Specification 7).

8 3. In its simplest form, the VTD is an existing smart telephone,  
9 cellular communication-enabled personal digital assistant (“PDA”)  
10 (Specification 7).

11 4. The term “VTD” as used in Appellants’ specification and claims is  
12 not limited or restricted to a device which is actually used or even  
13 programmed to authorize a customer’s admission to the facility  
14 (Specification 8).

15 5. Admission authorization, which may be a part of the virtual ticket,  
16 may include the date and location of the event, the seat number and the price  
17 paid (Specification 8).

18 6. The principles of the Appellants’ invention may be implemented in  
19 any suitably arranged hand-held electronic organizer, PDA, or advanced  
20 mobile telephone (Specification 12, 21).

21 7. Brown discloses a method of doing business including the steps of  
22 detecting when a specific user PDA is within communication range of a  
23 PDA interface ([0009], [0013]).

24 8. Information regarding the time and location of events is provided  
25 to the PDA based on the identity and location of the PDA ([0014] to [0015]).



1 ANALYSIS

2 We are not persuaded of error on the part of the Examiner by  
3 Appellants' argument that Brown does not disclose a VTD because the PDA  
4 of Brown does not issue virtual tickets.

5 First, claim 1 does not require that the VTD issue virtual tickets but  
6 only that the VTD be provided with information based on the determined  
7 identity and location.

8 Second, Appellants' own Specification states that a VTD is not  
9 limited or restricted to a device which is actually used or even programmed  
10 to authorize a customer's admission to the facility (Finding of Fact 4).  
11 As such, the disclosure in Brown that the PDA sends information to the user  
12 regarding the location and time of events is sufficient for the PDA of Brown  
13 to be a VTD.

14 Finally, even if it is necessary that a VTD issue virtual tickets to meet  
15 the limitation of claim 1, it is not necessary that Brown teach that the PDA  
16 therein disclosed issues virtual tickets, only that the Brown PDA is capable  
17 of issuing virtual tickets. The Brown PDA is clearly capable of issuing  
18 virtual tickets according to Appellants' disclosure (Finding of Fact 6).

19 In view of the foregoing, we will sustain the Examiner's rejection of  
20 claim 1. We will also sustain this rejection as it is directed to claims 2 to 4,  
21 9 to 16 and 18 to 21 because the Appellants have not argued the separate  
22 patentability of these claims.

23 We will also sustain the Examiner's rejections of (1) claim 7 under 35  
24 U.S.C. § 103 as being unpatentable over Brown and Poor and (2) claims 5,  
25 6, 8 and 17 under 35 U.S.C. § 103 as being unpatentable over Brown

1 because the Appellant relies on the arguments made in regard to claim 1 in  
2 addressing these rejections.

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DECISION

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The decision of the Examiner is AFFIRMED.

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No time period for taking any subsequent action in connection with  
this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv) (2007).

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AFFIRMED

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