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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JEFF GRADY, GAREY DE ANGELIS,
ANDREW GREEN, and VINCENT K. GUSTAFSON

Appeal 2014-009506
Application 11/549,608
Technology Center 2400

Before DEBRA K. STEPHENS, MIRIAM L. QUINN, and
DAVID J. CUTITTA, II, *Administrative Patent Judges*.

STEPHENS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from a Final Rejection of claims 1–80. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

STATEMENT OF THE INVENTION

According to Appellants, the claims are directed to interface systems for portable digital media storage and playback devices used for on-line

downloading, storing, and playing digital media files (Abstract). Claim 1, reproduced below, is representative of the claimed subject matter:

> 1. A docking assembly for interfacing a device having telephonic portable digital media storage and playback capability and a first display with a system for media reproduction having a second display and a first amplifier configured to drive at least one speaker, the docking assembly comprising:
>
> an electrical coupling configured to engage the device;
>
> a microprocessor coupled to the electrical coupling and configured to control the device;
>
> a remote controller configured to receive telephonic signals;
>
> a receiver coupled to the microprocessor and configured to receive input signals from the remote controller and provide output signals; and
>
> a transceiver configured to rebroadcast the telephonic signals between the device and the remote controller.

> 54. An apparatus to control a device having telephonic portable digital media storage and playback capability, a system for media reproduction, and a docking assembly for interfacing the device with the system, the apparatus comprising:
>
> a remote controller including
>
> a receiver configured to receive telephonic signals from the docking assembly;
>
> a speaker configured to reproduce an audible telephonic signal;
>
> a voice transducer configured to produce electrical vocal output signals;
>
> a first transmitter coupled to the voice transducer and configured to transmit the electrical vocal output signals;

> a second transmitter configured to provide control signals to the docking assembly; and
>
> a charge storage to provide electric power to any of the signal receiver, the speaker, the first transmitter; and the second transmitter.

REFERENCES

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

Bodnar	US 2004/0097264 A1	May 20, 2004
Bonney	US 2004/0117062 A1	June 17, 2004
Edwards	US 2005/0179559 A1	Aug. 18, 2005
Poslinski	US 2006/0045462 A1	Mar. 2, 2006
Silverbrook	US 7,106,888 B1	Sept. 12, 2006
Rutledge	US 2007/0101039 A1	May 3, 2007
Matz	US 2013/0055317 A1	Feb. 28, 2013

REJECTIONS

Claims 1–3, 5–20, 22–27, 36–46, 50–53, and 75–80 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rutledge and Matz (Final Act. 4–10).

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Rutledge, Matz, and Silverbrook (Final Act. 10–11).

Claims 29–35 and 47–49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rutledge, Matz, and Bonney (Final Act. 11–12).

Claim 28 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Rutledge, Matz, and Bodnar (Final Act. 12).

Claim 21 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Rutledge, Matz, and Edwards (Final Act. 13).

Claims 54–57, 59, 61–64, 66–71, 73, and 74 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Matz (Final Act. 14–16).

Claim 58 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Matz and Poslinski (Final Act. 16).

Claim 60 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Matz and Silverbrook (Final Act. 16).

Claim 65 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Matz and Bodnar (Final Act. 17).

Claim 72 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Matz and Edwards (Final Act. 17–18).

We have only considered those arguments that Appellants actually raised in the Briefs. Arguments Appellants could have made but chose not to make in the Briefs have not been considered and are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(iv) (2013).

ISSUES

35 U.S.C. § 103(a): Claims 1–3, 5–20, 22–27, 36–40, 41–46, 50–53, and 75–80

Appellants assert their invention is not obvious over Rutledge and Matz (App. Br. 8–14). The issues presented by the arguments are:

Issue 1: Has the Examiner erred in finding the combination of Rutledge and Matz teaches or suggests "a docking assembly for interfacing a device having telephonic portable digital media storage"; "a remote controller configured to receive telephonic signals"; and "a transceiver configured to rebroadcast the telephonic signals between the device and the

remote controller," as recited in independent claim 1, and commensurately recited in claim 41?

Issue 2: Has the Examiner improperly combined the teachings and suggestions of Rutledge and Matz?

ANALYSIS

We disagree with Appellants' conclusions and adopt as our own: (1) the findings and reasons set forth by the Examiner in the Final Office Action from which this appeal is taken; and (2) the reasons set forth by the Examiner in the Examiner's Answer in response to the Appeal Brief. With respect to the claims argued by Appellants, we highlight and address specific findings and arguments for emphasis as follows.

Appellants argue Rutledge fails to teach or suggest the recited docking assembly having a transceiver for receiving and rebroadcasting telephonic signals *to* the docking assembly's remote controller (App. Br. 9). According to Appellants, Rutledge teaches portable devices; charging of a portable device through a user control interface 235 integral to docking station 120; and sending signals by the docking system, to configure proper voltage connection of the power supply, but not the recited transceiver (*id.* (citing Rutledge ¶¶ 4, 56, 66)). Furthermore, Appellants argue neither Rutledge nor Matz teaches or suggests the recited docking assembly having a remote controller (*id.* at 9–10). Rather, Appellants contend, Matz discloses a display device having a remote control device and therefore, does not teach a remote controller configured to receive telephonic signals or rebroadcast the signals between the device and the remote controller (*id.* at 10). Appellants

thus argue Matz's remote control device does not belong or function with the docking assembly or function as recited (*id.* at 10–11).

We agree with the Examiner's findings and reasoning. Initially, we note, as set forth by the Examiner, the claim recites "a transceiver configured to rebroadcast the telephonic signals **between** the device and the remote controller" (Ans. 17). Additionally, Appellants' Specification states "[t]he term 'transceiver' in this context refers to any combination of transmitter and receiver present in the same device" (Spec. ¶ 45). Rutledge teaches that a portable device may be a cellular telephone (Rutledge ¶ 4) and that the docking station communicates with the portable device to provide non-portable performance (*id.* ¶ 7), thus teaching or at least suggesting a transceiver (Final Act. 5).

The Examiner further cites to Matz (Final Act. 2–3). Matz teaches a display device that includes a remote control interface and remote control receiver (Matz ¶ 40). "The remote control interface **234** comprises a suitable wireless data interface for sending data to and receiving data from the remote control device **106**" (*id.*). Thus, the display device of Matz comprises a transceiver. We also agree with the Examiner that the transceiver of Matz rebroadcasts the telephonic signals between the display device and the remote controller because the remote controller can be utilized to initiate wireless telephone calls from the display device (Ans. 22, (*see also* Matz ¶ 43). Initially, we are not persuaded the Examiner's interpretation of "rebroadcast" is in error (*id.*). Indeed, Appellants' own Specification describes "rebroadcast" in one embodiment as receiving, retransmitting, or otherwise relaying incoming signals (Spec. ¶ 45). In light of this interpretation, we are not persuaded Matz fails to teach the docking

assembly comprising a transceiver configured to rebroadcast signals, as recited in claim 1.

We also are not persuaded Matz fails to teach rebroadcasting telephonic signals. Specifically, Matz teaches telephonic signals are received and retransmitted by the transceiver in the remote control interface 234 of the docking station to the remote control device 106 (Matz ¶¶ 4, 40–43).

Furthermore, we are unpersuaded the transceiver is not configured to rebroadcast the telephonic signals between the device and the remote controller. Matz teaches the docking station connects to a wireless telecommunications network, and receives and transmits data, including, for example digital video content, wireless radio, or telephone calls (Matz ¶¶ 8–9). As the docking station further communicates this data with the remote control device (Matz ¶¶ 40–43), we are unpersuaded Matz fails to teach "a transceiver configured to rebroadcast the telephonic signals between the device and the remote controller." (*See also* Matz, claim 8.)

Additionally, we agree with the Examiner that Matz's remote control device is operative to communicate with the display device over a wireless connection (Ans. 19–20; Matz ¶ 41, Fig. 3). Matz further teaches the remote control device may be utilized to initiate a wireless telephone call or to respond to an incoming call request, and is used during wireless telephone calls (Matz ¶¶ 43–44). Therefore, we are not persuaded the combination of Rutledge and Matz fails to teach "a remote controller configured to receive telephonic signals," as recited in claim 1. Indeed, Matz describes "the remote control device may include a microphone and a speaker . . . to

receive audio and to transmit the audio to the apparatus wirelessly for use in the wireless telephone call" (Matz ¶ 13).

Further, Appellants have not persuaded us Matz teaches away from the recited transceiver (App. Br. 12) as Appellants have not identified where an ordinarily skilled artisan "upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant." *In re Gurley*, 27 F.3d 551, 553 (Fed. Cir. 1994).

We emphasize additionally, the Examiner relies on the combination of Rutledge (Ans. 23–24) and Matz whereas Appellants are arguing the references individually (App. Br. 13). Specifically, the Examiner modifies Rutledge's system with Matz's remote controller (Final Act. 5; Ans. 23–24).

Appellants further argue, with respect to claims 16–19, Matz describes only audio is shared with the remote controller and not digital signals, text, communication notification, and caller identification (App. Br. 12). We are not persuaded by Appellants' arguments. We agree with the Examiner that Matz discloses various types of data are described (Ans. 23; Final Act. 7–8; Matz ¶ 27). Appellants have not persuaded us Matz does not teach or at least suggest the disputed limitations. For example, Matz discloses communications between the remote control interface of the docking station and the remote control device is via a transceiver that is compatible with the BLUETOOTH or WI-FI communications (Matz ¶ 40). Therefore, we are not persuaded Matz fails to teach the telephonic signal comprises a digital signal, as recited in claim 16. Matz additionally discloses signals comprising caller identification information, digital video content, and other information (*id.* ¶¶ 27, 43). Moreover, we are

unpersuaded an ordinarily skilled artisan would find it uniquely challenging or beyond their skill to transmit a data signal with specific content (text, communication notification, or caller identification) as part of a telephonic signal.

Accordingly, we are not persuaded the Examiner erred in finding the combination of Rutledge and Matz teaches or suggests the limitations as recited in independent claim 1. Independent claim 41 is not separately argued and thus, for the reasons set forth above, falls with independent claim 1. Similarly, dependent claims 2, 3, 5–15, 20, 22–27, 36–40, 41–46, 50–53, and 75–80, not separately argued fall with their respective independent claims. We are not persuaded the Examiner erred in finding the combination of Rutledge and Matz teaches or suggests the limitations as recited dependent claims 16–19. Therefore, we sustain the rejection of claims 1–3, 5–20, 22–27, 36–46, 50–53, and 75–80 under 35 U.S.C. § 103(a) for obviousness over Rutledge and Matz.

35 U.S.C. § 103(a): Claims 4, 21, 28–35, and 47–49

The remaining dependent claims are not separately argued and thus, fall with their respective independent claims. Therefore, we sustain the rejections of claims 4, 21, 28–35, and 47–49 under 35 U.S.C. § 103(a) for obviousness.

35 U.S.C. § 102(e): Claims 54–57, 59, 61–64, 66–71, 73, and 74

Appellants argue their invention is not anticipated by Matz (App. Br. 13–14). The issue presented by the arguments is:

Issue 3: Has the Examiner erred in finding Matz discloses "a receiver configured to receive telephonic signals from the docking assembly," as recited in claim 54?

ANALYSIS

Appellants do not specifically argue independent claim 54, instead relying on the arguments set forth for claim 1 (App. Br. 14). The only limitation of claim 54 we consider argued by Appellants is "a receiver configured to receive telephonic signals from the docking assembly." As set forth above, we find Matz discloses a remote control device that may be utilized to initiate a wireless telephone call or respond to an incoming call request (Matz ¶ 43, Fig. 3). (*See also* Matz ¶ 13). Accordingly, we are not persuaded the Examiner erred in finding Matz discloses "a receiver configured to receive telephonic signals from the docking assembly," as recited in independent claim 54. Dependent claims 55–57, 59, 61–64, 66–71, 73, and 74, are not separately argued and thus, fall with their respective independent claim. Therefore, we sustain the rejection of claims 54–57, 59, 61–64, 66–71, 73, and 74 under 35 U.S.C. § 102(b) for anticipation by Matz.

DECISION

The Examiner's rejection of claims 54–57, 59, 61–64, 66–71, 73, and 74 under 35 U.S.C. § 102(e) as being anticipated by Matz is affirmed.

The Examiner's rejections of claims 1–53, 58, 60, 65, 72, and 75–80 under 35 U.S.C. § 103(a) are 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). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED