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Vista IP Law Group LLP 2040 MAIN STREET, Suite 710 IRVINE, CA 92614			EXAMINER AL HASHEMI, SANA A	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte S. LEE HANCOCK, JORDAN HASTINGS,
and SCOTT D. MORRISON

Appeal 2011-004999
Application 11/156,875
Technology Center 2100

Before JOSEPH F. RUGGIERO, MICHAEL J. STRAUSS, and
JOHN A. EVANS, *Administrative Patent Judges*.

RUGGIERO, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Final Rejection of claims 52-57, 60-78, 80-92, and 96-105, which are all of the pending claims. Claims 1-51, 58, 59, 79, 93-95, and 106-110 have been canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

Rather than reiterate the arguments of Appellants and the Examiner, reference is made to the Appeal Brief (filed July 9, 2010 and amended July 27, 2010), the Answer (mailed Nov. 8, 2010), and the Reply Brief (filed Jan. 10, 2011).

Appellants' Invention

Appellants' invention relates to providing informational services, including locations of interest within a geographical area, to a portable navigational apparatus. The navigational apparatus includes an input device for entering a proprietary search term uniquely associated with an entity within a district of a geographical area. A processor coupled to the input device receives the entered proprietary search term and generates a query including the proprietary search term and location information associated with the navigational apparatus. *See generally* Abstract.

Claim 52 is illustrative of the invention and reads as follows:

52. A portable navigational apparatus for locating one or more locations of interest within a geographical area, comprising:
an input device for entering a proprietary search term uniquely associated with an entity within a district of the geographical area and identifying one or more locations of interest within the geographical area;
a processor coupled to the input device for receiving the entered proprietary search term, the processor configured for generating a search query comprising the entered proprietary search term and locational information associated with the navigational apparatus;
a communications interface coupled to the processor for communicating with a server via a wireless network, the interface configured for sending the search query to the server, and for receiving a search result from the server, the search result comprising one or more locations for the entity uniquely associated with the proprietary search term that have a relationship with the locational information;

an output device coupled to the processor for outputting the one or more locations comprising the search result; and
an automatic location identification ("ALI") device that identifies the current location of the navigational apparatus within the geographic area, the processor coupled to the ALI device for obtaining the current location of the navigational apparatus from the ALI device at the time of sending the search query, the locational information in the search query comprising at least one of the current location and a projected location of the navigational apparatus based at least in part on the current location.

The Examiner's Rejection

Claims 52-57, 60-78, 80-92, and 96-105, all of the appealed claims, stand rejected under 35 U.S.C. § 102(e) as being anticipated by DeLorme (U.S. 5,948,040, Sept. 7, 1999).

ANALYSIS

Appellants' arguments with respect to the Examiner's anticipation rejection of each of the appealed independent claims 52, 63, 82, and 100 focus on the contention that DeLorme does not disclose the user entry of a proprietary search term that is uniquely associated with geographical locations as claimed. According to Appellants, the Examiner (Ans. 9-10) erred in relying upon the Figure 1B-2 illustration in DeLorme as describing the user entry of a proprietary search term as claimed. App. Br. 16-26; Reply Br. 7.¹

We agree with Appellants, as our interpretation of the disclosure of DeLorme coincides with that of Appellants. As argued by Appellants, while

¹ Appellants have made other arguments. We do not reach these arguments since the arguments discussed *infra* are dispositive of this appeal.

DeLorme's Figure 1B-2 description includes the short hand designation "ORD" which arguably uniquely identifies Chicago O'Hare International Airport, there is no indication that such a term was ever entered as a search term by a user but, rather, is merely a display being output to a user. Reply Br. 7.

Similarly, we agree with Appellants that the Examiner's (Ans. 9) further reliance on DeLorme's Figure 7A-7B is also in error. DeLorme describes the Figure 7A-7B drawing as illustrating relational database tables are involved in the processing of DeLorme's TRIPS travel information system. See DeLorme, col. 56, ll. 2-5. We find nothing in DeLorme's accompanying description of Figure 7A-7B which discloses that a proprietary search term which is uniquely associated with a geographical location is ever entered by a user as claimed.

Lastly, we agree with Appellants that, while DeLorme's Figure 9A-9B embodiment provides for sensing of a user's location provided by a GPS sensor associated with a user's wireless communication unit (WCU) 907, there is no disclosure of the claimed user entry of a proprietary search term that uniquely identifies a geographical location. As argued by Appellants, the disclosed dialogue between a user and DeLorme's TRIPS travel information system merely provides for "yes" or "no" responses to the TRIPS system communications. Reply Br. 8 (citing DeLorme, col. 71, l. 61 to col. 72, l. 12 and col. 73, l. 28 to col. 74, l. 3).

In view of the above discussion, since all of the claim limitations are not present in the disclosure of DeLorme, we do not sustain the Examiner's 35 U.S.C. § 102(e) rejection of independent claims 52, 63, 82, and 100, nor

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the rejection of claims 53-57, 60-62, 64-78, 80, 81, 83-92, 96-99, and 101-105 dependent thereon.

CONCLUSION

Based on the analysis above, we conclude that the Examiner erred in rejecting claims 52-57, 60-78, 80-92, and 96-105 for anticipation under 35 U.S.C. § 102(e).

DECISION

The Examiner's decision rejecting claims 52-57, 60-78, 80-92, and 96-105 under 35 U.S.C. § 102(e) is reversed.

REVERSED

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