

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today
(1) was not written for publication in a law journal and
(2) is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KEITH J. BELLESFIELD,
TERRY L. CAMPBELL,
THOMAS P. HASKELL and
BRADLEY D. SAUDER

Appeal No. 96-0463
Application 08/069,161¹

ON BRIEF

Before THOMAS, BARRETT and FLEMING, Administrative Patent
Judges.

THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

¹ Application for patent filed May 28, 1993.

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This is a decision on the appeal from the examiner's final rejection of claims 1 to 15, which constitute all the claims pending in the application. In the initial examiner's answer, the examiner allowed claims 1 through 4, and 8 through 12. As a result of the supplemental examiner's answer mailed on September 30, 1998, which follows from a remand to the examiner from this panel on July 30, 1998, the examiner has withdrawn a rejection as to claims 6 and 14 and indicates they would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Therefore, the claims that remain on appeal for our consideration are claims 5, 7, 13 and 15.

Representative claim 5 is reproduced below:

5. A method for generating a list of places of interest geographically located near a travel route, the method comprising the steps of:

providing a user interface for receiving user input;

providing a routing database having geographic information for roads and places within a geographic region;

providing a place of interest database having geographic center data indicating the geographic locations of geographic centers within the geographic region and places of interest data associating each place of interest with one of the geographic centers;

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selecting, via the user interface, a departure point and a destination point geographically located within the geographic region;

using the routing database to generate a travel route between the selected departure point and the selected destination point;

selecting geographic centers from the places of interest database which are geographically located within a predetermined distance of the generated travel route; and

generating a list of places of interest associated with the selected geographic centers.

The reference relied on by the examiner is:

Person	5,067,081	Nov. 19,
1991		

Claims 5, 7, 13 and 15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Person.

Rather than repeat the positions of the appellants and the examiner, reference is made to the various briefs and answers for the details thereof.

OPINION

We sustain the rejection essentially for the reasons set forth by the examiner in the answer, further in view of the following.

The context in which Person operates as it applies to representative independent claim 5 on appeal is set forth at

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column 5, lines 12 through 28. There it is indicated that the external memory device 26 in Figure 2 may store geographical areas such as county, state, region, country or continent as a basis of the generalized geographic region claimed. The claimed geographical location corresponds to the latitude and longitudinal coordinates of the respectively identified physical centers which relate to the geographic centers of the claim or other various points or landmarks or areas to be navigated based on name along the path in which they are located. The external member 26 is also shown in Figure 3.

Figure 3 also shows other types of memories in which information is located: population center memory 69; landmark memory 71 and roadway or linear memory 73, in addition to the path memory 77 and radius memory 75. These are discussed beginning at the bottom of column 9. At least with respect to the landmark memory 71 at column 10, lines 5-12, the claimed places of interest database may comprise this memory and respective identifiers such as parks or airports may comprise the claimed geographic centers. Additionally, the discussion beginning at column 5, line 35 indicates that the entire system operates by retrieving various types of data from the

various memories and reading them into the temporary memory storage unit, which is identified as the RAM memory storage chip 56 in Figure 3 and shown as well in the microcomputer unit in Figure 2. For purposes of determining a given route within Person all data is processed within this RAM memory. Thus, there is an additional broadly definable "places of interest database" having the stated main elements in a broad "association" to the extent recited in the providing clause of representative claim 5 on appeal.

At least, within Person, the act of the user selecting various radiuses as discussed beginning at column 7, line 16 corresponds to the broad selecting clause of representative claim 5 on appeal. The user, for example, may selectively vary the radius of the current or designated location or the path itself (see also Figure 4) which allows the user to select various "geographic centers" from the noted places of interest database as defined earlier within a predetermined distance of the travel route. The final step of generating a list of places at the end of representative claim 5 on appeal as well as the display aspect thereof in its dependent claim

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7, is met by the final display to the user in Person. Note, for example, column 14, lines 3 through 10 and 59 through 66.

Representative claim 5 on appeal requires that the places of interest database within it have "places of interest data associating each place of interest with one of the geographic centers." The same argument made in the original brief at the bottom of page 9, as well as repeated in the most recent supplemental reply brief, that in Person "each place of interest is not associated with a separate geographic location, but rather is correlated to a nearby geographic center" is misplaced. The argument made is not what is actually recited in the claim. The separateness of the association is not precluded by the language of representative claim 5. Person clearly meets the language claimed. Person performs "geocoding" to the extent claimed. The assertion made at page 10 of the original brief that Person "fails to disclose a places of interest database having places of interest grouped by geographic center" is also misplaced. There is no claimed "grouping." There is only a broadly recited "association." The claim does not preclude each place of interest having its own geographic center.

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Even though we recognize that Person directly correlates by latitude and longitude each and all named items within the various memories, appellants' invention never loses sight of this among the various databases anyway. Appellants' recitation of the claimed "geographic center" amounts to an indirect, intermediate manner of correlating the disclosed latitude and longitude of each place of interest. To the extent claimed, we see no patentable distinction. In any event, the broadly defined use in Person of the temporary memory correlates all data from all the various memories in one common "database" directly or indirectly broadly associated or correlated. To the extent claimed, the claims on appeal do not distinguish over the teachings in Person even within 35 U.S.C. § 102 since the reader is placed in possession of the claimed invention given due consideration to analogousness of the terminology in Person to that which is claimed in the proper context.

Since appellants' briefs do not present arguments distinguishing between any claim 5, 7, 13 and 15 on appeal, all claims fall together.

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In view of the foregoing, the decision of the examiner rejecting claims 5, 7, 13 and 15 under 35 U.S.C. § 102 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

	James D. Thomas)	
	Administrative Patent Judge)	
)	
)	
	Lee E. Barrett)	BOARD OF
PATENT)	
	Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
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