

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 25

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MINORU OZAWA

Appeal No. 1997-0187
Application No. 08/198,671¹

ON BRIEF

Before THOMAS, FLEMING and DIXON, Administrative Patent Judges.
DIXON, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 17-20, which are all of the claims pending in this application.

We REVERSE.

¹ Application for patent filed February 18, 1994. According to the appellant, the application is a continuation of Application 07/811,441, filed December 19, 1991, now abandoned; which is a continuation-in-part of Application 07/629,783, filed December 17, 1990, now abandoned.

BACKGROUND

The appellant's invention relates to an anti-theft system for automotive electronic devices. An understanding of the invention can be derived from a reading of exemplary claim 17, which is reproduced below.

17. An anti-theft system for a vehicle comprising:

a portable remote control unit responsive to actuation of buttons thereon for transmitting a radio frequency signal including a first identification code;

a security unit fixedly mounted on the vehicle, the security unit including a receiver for receiving the radio frequency signal, a first memory for storing a second identification code, and a first processor for comparing the received first identification code with the second identification code and for generating a third identification code when the first identification code coincides with the second identification code; and

an electronic audio device removably mounted on the vehicle and connectable to the security unit, the electronic audio device including a second memory for storing a fourth identification code and an audio signal generator for transmitting audio signals to an output device, the electronic audio device including a second processor for comparing the third identification code with a fourth identification code and enabling the audio signal generator only when the third identification code coincides with the fourth identification code.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Sanders et al. (Sanders)	4,754,255	Jun. 28, 1988
Nakano et al. (Nakano)	4,794,268	Dec. 27, 1988
Jacob	4,908,604	Mar. 13, 1990

Claim 17 stands rejected under 35 U.S.C. § 103 as being unpatentable over Nakano in view of Sanders. Claims 18-20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Nakano and Sanders further in view of Jacob.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellant regarding the above-noted rejections, we make reference to the examiner's answer (Paper No. 18, mailed Feb. 22, 1996) for the examiner's complete reasoning in support of the rejections, and to the appellant's brief (Paper No. 17, filed Nov. 2, 1995) and reply brief (Paper No. 19, filed May 16, 1996) for the appellant's arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellant's specification and claims, to the applied prior art references, and to the respective positions articulated by the appellant and the examiner. As a consequence of our review, we make the determinations which follow.

Assuming *arguendo* that the teachings of Nakano and Sanders are properly combined, we find that the combination of the teachings does not meet the limitations of the invention as set forth in claim 17. Specifically, neither Nakano nor Sanders teaches or fairly suggests "an electronic audio device removably mounted on the vehicle and connectable to the security unit, the electronic audio device including a second memory for storing a fourth identification code and an audio signal generator for transmitting audio

signals to an output device, the electronic audio device including a second processor for comparing the third identification code with a fourth identification code and enabling the audio signal generator only when the third identification code coincides with the fourth identification code.” Appellant argues that Sanders does not teach the second memory and second processor enabling the audio device in response to a code conversion. (See brief at pages 11-12.) We agree with appellant. The examiner presents the Sanders patent as a teaching of security for an audio device. (See answer at pages 3-4.) While Sanders does briefly mention control of an audio device and phone, Sanders does not discuss how that control is performed. Furthermore, the examiner has not identified any teaching in the prior art applied against claim 17 nor has the examiner set forth a convincing line of reasoning as to why a skilled artisan would have been motivated to incorporate a second microprocessor into the audio device and perform a code comparison as a pre-condition to enabling the audio signal generator. Therefore, the examiner has not set forth a *prima facie* case of obviousness and we will not sustain the rejection of claim 17 under 35 U.S.C. § 103.

The examiner has not addressed the above limitation in the rejection of claims 18-20, and we do not find any such teaching in the Jacob patent concerning the code comparison for enabling an audio device. Therefore, we will not sustain the rejection of claims 18-20 under 35 U.S.C. § 103.

CONCLUSION

To summarize, the decision of the examiner to reject claims 17-20 under 35 U.S.C. § 103 is reversed.

REVERSED

JAMES D. THOMAS
Administrative Patent Judge

MICHAEL R. FLEMING
Administrative Patent Judge

JOSEPH L. DIXON
Administrative Patent Judge

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JAMES P. NAUGHTON
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

APPEAL NO. 97-0187 - JUDGE DIXON
APPLICATION NO. 08/198,671

APJ DIXON

APJ THOMAS

APJ FLEMING

DECISION: REVERSED

Prepared By: ????

DRAFT TYPED: 10 Oct 00

FINAL TYPED: