

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte THOMAS RICK, PETER WAGNER,
and SIEGLEIF LENART

Appeal No. 2000-0435
Application No. 08/614,930

HEARD: December 11, 2001

Before HAIRSTON, RUGGIERO, and BARRY, Administrative Patent Judges.
HAIRSTON, Administrative Patent Judge.

REQUEST FOR REHEARING

Appellants have requested a rehearing of our decision dated December 26, 2001, wherein the decision of the examiner rejecting claims 1, 2, 4, 5, 10, 11, 13 through 19, 21 and 22 was affirmed based upon the sole teachings of Dortenzio.

Appellants argue (request, pages 3 and 4) that:

[T]he apparatus in Dortenzio et al and its method of operation clearly do not satisfy the limitations of Claim 1. That is, Claim 1 recites that "data which define use restrictions applicable to the vehicle are stored in the

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master station". If, as stated in the Decision on Appeal, the range of the vehicle from the transmitter constitutes a "use restriction" within the meaning of Claim 1, it is clearly not defined by data stored in the master station, as Claim 1 recites. Rather, the range of the transmitter is a property which is inherent in the transmitter and receiver apparatus of the system, and is unrelated to any information which is stored in the portable unit of Dortenzio et al. Moreover, Claim 1 further recites that the master station "broadcasts said data which define use restrictions applicable to the vehicle". Once again, accepting for argument's sake that the use restriction in question is satisfied by the range of the portable unit from the vehicle, it is apparent that such limitation is unrelated to and independent of any use restrictions applicable to the vehicle which are defined by data broadcast by the master station.

A fair reading of Claim 1 requires that the use limitations applicable to the vehicle be defined by data which are stored in the master station and that the master station broadcasts such data (containing use restrictions) to the vehicle. The Dortenzio et al reference is fundamentally different, and satisfies neither of the foregoing limitations of Claim 1.

Appellants' arguments to the contrary notwithstanding, there is a direct relationship in Dortenzio between the range of master station transmitter 101 from the receiver 201 in the vehicle, and the signal strength of the pulse duration data signals. If the vehicle is out of the prescribed use restriction range, then it will not receive the transmitted pulse duration data signals. Thus, we are still of the opinion (decision, page 4) that "[t]he 'data which define use restrictions applicable to the vehicle . . . stored in the master station' are the specified

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signal pulses transmitted at periodic intervals . . . by the transmitter" 101 (Figures 1 and 2), and it is this "data (containing use restrictions)" that is transmitted to the receiver in the vehicle (request, page 4).

In Dortenzio, the range of the vehicle from the transmitter is a use restriction that is similar to the "exceeding a fixed maximum travel distance" disclosed by appellants (specification, page 9; request, page 2). In summary, the teachings of Dortenzio satisfy all of the claimed limitations (request, page 4).

Appellants' request has been granted to the extent that our decision has been reconsidered, but such request is denied with respect to making any modifications to the decision.

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

REHEARING
DENIED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
)	
)	
)	
)	BOARD OF PATENT
JOSEPH F. RUGGIERO)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
)	
LANCE LEONARD BARRY)	
Administrative Patent Judge)	

KWH/lp

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Letty

JUDGE HAIRSTON

APPEAL NO. 2000-0435

APPLICATION NO. 08/614,930

APJ HAIRSTON

APJ RUGGIERO

APJ BARRY

DECISION: **DENIED**

PREPARED: Sep 12, 2003

OB/HD

PALM

ACTS 2

DISK (FOIA)

REPORT

BOOK