

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. 13

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte Kenneth E. Flick

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Appeal No. 2002-1830  
Application No. 09/583,257

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ON BRIEF

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Before HAIRSTON, JERRY SMITH, and GROSS, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 8 and 11 through 44. Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent claim form including all of the limitations of the base claim and any intervening claims.

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The disclosed invention relates to a controller in a vehicle control system that stores a set of device codes for a plurality of different vehicles.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A control system for a vehicle comprising a data communications bus and at least one vehicle device connected thereto, the control system comprising:

a transmitter and a receiver for receiving signals from said transmitter; and

a multi-vehicle compatible controller cooperating with said transmitter and said receiver and for storing a set of device codes for a given vehicle device for a plurality of different vehicles, for reading a device code from the data communications bus, and for determining a match between a read device code and the stored device codes to thereby provide compatibility with a plurality of different vehicles.

The references relied on by the examiner are:

Grossheim et al. (Grossheim)	4,794,368	Dec. 27, 1988
Dery et al. (Dery)	5,673,017	Sept. 30, 1997
Simms et al. (Simms)	5,808,564	Sept. 15, 1998

Claims 1 through 8, 11, 16 through 26, 32 through 38 and 40 through 44 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Dery.

Claims 12, 14 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dery in view of Simms.

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Claims 13, 15, 28 through 31 and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dery in view of Grossheim.

Reference is made to the brief (paper number 10) and the answer (paper number 11) for the respective positions of the appellant and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse all of the rejections of record.

In the findings concerning the teachings of Dery, the examiner states (answer, page 3) that the bus 24 is a data communications bus, and acknowledges (answer, page 4) that the controller is not specifically disclosed as a multi-vehicle controller. Since the controller in Dery is programmable by the user and is software driven, the examiner reached the conclusion (answer, page 4) that "it is inherent that the controller (20) is multi-vehicle compatible, since the controller maybe [sic, may be] installed in any vehicle, software driven and is programmed by the owner of the vehicle."

Appellant argues (brief, page 9) that Dery discloses a controller that may be reprogrammed to recognize the address code of a new transmitter, but does not disclose a controller that is

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programmed with a set of codes for a plurality of different vehicles. Appellant argues (brief, page 9 and 10) that Dery discloses a conventional wiring arrangement of discrete conductors that connect the microprocessor unit 20 to a plurality of controlled devices.

Turning first to appellant's argument concerning the lack of a bus in Dery, we agree with the examiner (answer, page 9) that "Dery et al. specifically discloses the bus (24) which interfaces between the microprocessor unit and various vehicle components to carry out various controls (col. 6, lines 19-35); thus, a bus which [is] connected to the microprocessor for communicating and controlling various vehicle devices is inherently a data communication bus for communicating with various components of the vehicle." Turning next to appellant's challenge to the examiner's finding of inherency for the controller 20 in Dery, we agree with the appellant's argument. Although the controller 20 may be multi-vehicle compatible, it can only store code(s) for one vehicle at any given time. Thus, the anticipation rejection of claims 1 through 8, 11, 16 through 26, 32 through 38 and 40 through 44 is reversed because the mere fact that Dery is software driven, and can be reprogrammed by the owner of a vehicle to provide multi-

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vehicle compatibility, does not necessarily<sup>1</sup> lead to the conclusion that the controller 20 stores "a set of device codes" for "a plurality of different vehicles" as claimed.

The obviousness rejections of claims 12 through 15, 27 through 31 and 39 are reversed because the control system teachings of Simms and the remote receiver teachings of Grossheim fail to cure the noted shortcoming in the teachings of Dery.

#### DECISION

The decision of the examiner rejecting claims 1 through 8, 11, 16 through 26, 32 through 38 and 40 through 44 under 35 U.S.C. § 102(e) is reversed, and the decision of the examiner rejecting claims 12 through 15, 27 through 31 and 39 under 35 U.S.C. § 103(a) is reversed.

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<sup>1</sup> "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.'" In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (quoting Continental Can Co. v. Monsanto Co., 948 F.2d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991)).

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REVERSED

KENNETH W. HAIRSTON	)	
Administrative Patent Judge	)	
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	)	BOARD OF PATENT
JERRY SMITH	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
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ANITA PELLMAN GROSS	)	
Administrative Patent Judge	)	

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