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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/926,244	10/29/2007	Christoph Sturm	080437.59539US	4219
23911	7590	01/13/2012	EXAMINER	
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			WANG, JACK K	
			ART UNIT	PAPER NUMBER
			2612	
			MAIL DATE	DELIVERY MODE
			01/13/2012	PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHRISTOPH STURM

Appeal 2010-006679
Application 11/926,244
Technology Center 2600

Before DEBRA K. STEPHENS, DENISE M. POTHIER,
and BRUCE R. WINSOR, *Administrative Patent Judges*.

WINSOR, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from a Final Rejection of claims 1-19, which constitute all the claims pending in this application.¹ We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

STATEMENT OF THE CASE

Appellant's invention relates to:

[a] driver assistance system and method [that] outputs, as a function of certain conditions, at least one piece of information, in particular a warning, to the driver of a motor vehicle. The driver assistance system can be transferred into a demonstration and/or learning mode, in which the conditions applied for outputting the piece of information are different from the normal mode of operation.

(Abstract). For example, if the piece of information is a collision warning (Spec. ¶¶ [0029] – [0030]), in the normal mode the warning may output if the probability of collision is 90 percent within 2 seconds (Spec. ¶ [0031]). In the demonstration mode, however, the collision warning may be output if the probability of collision is 10 percent within 2 seconds (Spec. ¶ [0033]). This allows the driver to become familiar with the warning without putting himself or others into a safety critical situation (Spec. ¶ [0034]).

Claim 1, which is illustrative of the invention, reads as follows:

1. A system for a driver of a motor vehicle, comprising:
a driver assistance system that outputs, as a function of certain conditions, at least one piece of information to the driver of the motor vehicle;

¹ An oral hearing for this appeal, scheduled for Jan. 10, 2012, has been waived.

wherein the driver assistance system has a normal mode of operation and at least one of a demonstration and learning mode of operation, the driver assistance system being transferable into the at least one of the demonstration and learning mode of operation in which the conditions applied for outputting the at least one piece of information to the driver are different from the conditions applied for outputting the at least one piece of information to the driver in the normal mode of operation.

Claims 1-19 stand rejected under 35 U.S.C. § 102(b) as anticipated by Naboulsi (US 2004/0209594 A1, Oct. 21, 2004).

Rather than repeat the arguments here, we make reference to the Briefs (App. Br. filed Sept. 22, 2009; Reply Br. filed Jan. 20, 2010) and the Answer (mailed Dec. 4, 2009) for the respective positions of Appellant and the Examiner.

ISSUE

The pivotal issue presented by Appellant's contentions is: Does Naboulsi disclose a driver assistance system having "at least one of [a] demonstration and [a] learning mode of operation in which the conditions applied for outputting . . . at least one piece of information to [a] driver are different from the conditions applied for outputting the at least one piece of information to the driver in [a] normal mode of operation" (hereinafter "the disputed limitation"), as recited in claim 1?

ANALYSIS

Claim construction is an issue of law that we review *de novo*. *Cordis Corp. v. Boston Scientific Corp.*, 561 F.3d 1319, 1331 (Fed. Cir. 2009). Claims are not to be read in a vacuum, but must be given their broadest

reasonable interpretation in light of the Specification as it would be interpreted by ordinary artisans. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1316 (Fed. Cir. 2005) (en banc). We find that the broadest reasonable interpretation of the disputed limitation of claim 1 encompasses a driver assistance system that outputs a piece of information to a driver of a motor vehicle. The system has at least two operating modes, both of which are capable, under appropriate conditions, of outputting the at least one piece of information to the driver. In a first (designated “normal” in the claim) mode the condition that causes the output to occur is different in some way from the condition that causes the output to occur in the second (designated “demonstration” or “learning” in the claim) mode.

The Examiner cites Naboulsi at ¶¶ [0110]-[0111] as disclosing the disputed limitation (Ans. 4, 7-8). The cited paragraphs disclose a “learning” mode (¶ [0110]) and a “training” mode (¶ [0111]), which are separate modes and are both separate from Naboulsi’s normal mode (Naboulsi ¶ [0058]). Naboulsi’s learning mode is a mode in which Naboulsi’s system learns information, while Naboulsi’s training mode is a mode in which the driver is trained in the operation of the system.

Appellant contends, *inter alia*, that Naboulsi does not disclose the disputed limitation because: (1) Naboulsi’s learning mode outputs the same information under the same conditions as Naboulsi’s normal mode (App. Br. 6-7); and (2) Naboulsi’s training mode outputs additional information to that output in the normal mode, but does not output the at least one piece of information in both modes under conditions that differ between the modes (*see* Reply Br. 2). We agree. We do not find in the cited paragraphs of

Appeal 2010-006679
Application 11/926,244

Naboulsi, or readily find elsewhere in Naboulsi, a disclosure of the disputed limitation.

Accordingly, we do not sustain the rejection of claim 1. Independent claim 14 contains a limitation substantially similar to the disputed limitation, which we find to be absent from Naboulsi's disclosure. Claims 2-13 and 15-19 depend from claims 1 and 14 respectively. Accordingly, for the reasons set forth *supra* regarding claim 1, we do not sustain the rejection of claims 2-19.

DECISION

The decision of the Examiner to reject claims 1-19 under 35 U.S.C. § 102(b) as anticipated by Naboulsi is reversed.

REVERSED

msc

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Board of Patent Appeals and Interferences

CROWELL & MORING LLP
INTELLECTUAL PROPERTY
GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

Appeal No: 2010-006679
Appellant: Christoph Sturm
Application No: 11/926,244
Hearing Room: D
Hearing Docket: B
Hearing Date: Tuesday, January 10, 2012
Hearing Time: 09:00 AM
Location: Madison Building - East Wing
600 Dulany Street, 9th Floor
Alexandria, Virginia 22313-1450

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The application involved in this appeal has been published. Accordingly, the hearing in this appeal is open to the public.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

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Christoph Sturm December 27, 2011 45,810
Signature of Attorney/Agent/Appellant Date Registration No.

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23911	7590	12/19/2011	EXAMINER	
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			WANG, JACK K	
			ART UNIT	PAPER NUMBER
			2612	
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11/926,244	10/29/2007	Christoph Sturm	080437.59539US	4219
23911	7590	04/29/2010	EXAMINER	
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			WANG, JACK K	
			ART UNIT	PAPER NUMBER
			2612	
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CROWELL & MORING LLP

INTELLECTUAL PROPERTY GROUP Appeal No: 2010-006679

P.O. BOX 14300

Application: 11/926,244

WASHINGTON, DC 20044-4300

Appellant: Christoph Sturm

Board of Patent Appeals and Interferences Docketing Notice

Application 11/926,244 was received from the Technology Center at the Board on April 12, 2010 and has been assigned Appeal No: 2010-006679.

In all future communications regarding this appeal, please include both the application number and the appeal number.

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By order of the Board of Patent Appeals and Interferences.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/926,244	10/29/2007	Christoph Sturm	080437.59539US	4219
23911	7590	02/04/2010	EXAMINER	
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			WANG, JACK K	
			ART UNIT	PAPER NUMBER
			2612	
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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
11926244	10/29/2007	STURM, CHRISTOPH	080437.59539US

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER

JACK WANG

ART UNIT	PAPER
2612	20100127

DATE MAILED:

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Commissioner for Patents

The Reply Brief has been acknowledged by the Examiner.

/George A Bugg/
Primary Examiner, Art Unit 2612

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REQUEST FOR ORAL HEARING BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) 080437.59539US
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	Application Number 11926244	Filed 2007-10-29
For Driver Assistance System and Method for Outputting ...		
Art Unit 2612		Examiner Jack Wang
Applicant hereby requests an oral hearing before the Board of Patent Appeals and Interferences in the appeal of the above-identified application.		
The fee for this Request for Oral Hearing is (37 CFR 41.20(b)(3))		\$ 1,080.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:		\$ _____
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<input type="checkbox"/> applicant/inventor.	 _____ Signature _____ John P. Teresinski Typed or printed name _____ January 20, 2010 Date _____ (202) 624-2500 Telephone number	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>59,621</u>		
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____		
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.		
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 11/926,244 Confirmation No. : 4219
First Named Inventor : Cristoph STURM
Filed : October 29, 2007
TC/A.U. : 2612
Examiner : WANG, JACK
Docket No. : 080437.59539US
Title : Driver Assistance System and Method for Outputting at
Least One Piece of Information

REPLY BRIEF

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Sir:

Appellant submits this Reply Brief in response to the Examiner's Answer dated December 4, 2009.

ARGUMENT

The Examiner's Answer fails to provide a legally proper anticipation rejection of Appellant's independent claims based on Naboulsi (US 2004/0209594).

In the "Response to Argument" section, the Examiner's Answer repeats the assertion that Naboulsi discloses the feature of the independent claims of "at least one of a demonstration and learning mode of operation in which conditions applied for outputting at least one piece of information are different from the conditions applied for outputting at least one piece of information in the normal mode of operation." In particular, paragraph [0110] of Naboulsi is cited for the disclosure of:

The learning mode provides increased customization ability to the driver, and can help build the driver's profile/driving habits and characteristics.

The cited excerpt refers to notifications that may be provided to a driver based on geographic location, such as school zones, railroad crossing, changing speed limits, etc. In contrast to Appellant's independent claims which require conditions for output of features in the at least one of a demonstration and learning mode to differ, conditions for outputting these same features in a normal mode are also based on geographic location. Thus, the cited excerpt of Naboulsi does not disclose at least one of a demonstration and learning mode as recited in the independent claims.

The "Response to Argument" section of the Examiner's Answer additionally repeats the assertion that paragraph [0111] of Naboulsi discloses at least one of a demonstration and learning mode. In particular, paragraph [0111] of Naboulsi is cited for the disclosure of:

Training mode may also provide increased feedback of the reasons for suppression of any input/output device, and perhaps ways to avoid such suppression (reduce vehicle speed, avoid harsh accelerations, etc)."

The cited excerpt refers to features of a training mode, wherein the system may instruct or notify the driver in the manner by which applications can be selected. Naboulsi, however, does not disclose or suggest that the system instructs or notifies the driver in a normal mode regarding which applications can be selected. Thus, system instructions or notifications of a training mode as disclosed by Naboulsi do not disclose or suggest at least one piece of information of at least one of a demonstration and learning mode as recited in the independent claims.

Regarding Appellant's claim 3, the Examiner's Answer repeats the assertion that Naboulsi discloses "outputting information in the at least one of the demonstration and learning mode such that a probability for outputting the information is higher than in the normal mode of operation." The "Response to Argument" section refers to paragraph [0110] of Naboulsi as allegedly disclosing this feature of the claim. This section only discloses that the system could prompt or notify a user. There is nothing in this section disclosing a higher probability of outputting information in a learning mode. Therefore, claim 3 is patentable over Naboulsi.

Regarding Appellant's claim 11, the Examiner's Answer repeats the assertion that Naboulsi discloses "at least one parameter of a signal processing process employed by the driver assistance system is variable continuously or in discrete gradations via an operator." The Response to Argument" section refers to paragraph [0008] of Naboulsi, as allegedly disclosing this feature of the claim. In particular, the Examiner's Answer cites to the disclosure of "automated machine prioritizing" for the disclosure of a parameter employed by the driver assistance system that is variable continuously, and "functionality" for the disclosure of a parameter employed by the driver assistance system that is variable in discrete gradations. This section of Naboulsi relates to arrangement telematic features. Although Naboulsi discloses that machine prioritizing of telematic features for arrangement, notably absent is any disclosure of a parameter for machine prioritizing which is variable continuously or in discrete gradations. Thus, automated machine prioritizing and functionality do not disclose t least one parameter of a signal processing process employed by the

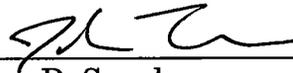
driver assistance system of Appellant's claim 1. Therefore, claim 11 is patentable over Naboulsi.

CONCLUSION

In view of the foregoing, Appellant requests a reversal of the final rejection.

Respectfully submitted,

January 20, 2010



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John P. Teresinski
Registration No. 59,621

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Facsimile No.: (202) 628-8844
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Electronic Patent Application Fee Transmittal

Application Number:	11926244
Filing Date:	29-Oct-2007
Title of Invention:	Driver Assistance System and Method for Outputting at Least One Piece of Information
First Named Inventor/Applicant Name:	Christoph Sturm
Filer:	John P. Teresinski/Cindy Edwards
Attorney Docket Number:	080437.59539US

Filed as Large Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
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Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Request for oral hearing	1403	1	1080	1080

Post-Allowance-and-Post-Issuance:

Extension-of-Time:

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				1080

Electronic Acknowledgement Receipt

EFS ID:	6842845
Application Number:	11926244
International Application Number:	
Confirmation Number:	4219
Title of Invention:	Driver Assistance System and Method for Outputting at Least One Piece of Information
First Named Inventor/Applicant Name:	Christoph Sturm
Customer Number:	23911
Filer:	John P. Teresinski
Filer Authorized By:	
Attorney Docket Number:	080437.59539US
Receipt Date:	20-JAN-2010
Filing Date:	29-OCT-2007
Time Stamp:	11:57:34
Application Type:	Utility under 35 USC 111(a)

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1		59539US-REPLYBRIEF.PDF	221764 <small>0709f66d555a86ee6181c1761094d72a76bc9360</small>	yes	5

Multipart Description/PDF files in .zip description

Document Description	Start	End
Request for Oral Hearing	1	1
Reply Brief Filed	2	5

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/926,244	10/29/2007	Christoph Sturm	080437.59539US	4219
23911	7590	12/04/2009	EXAMINER	
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			WANG, JACK K	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 11/926,224
Filing Date: October 29, 2007
Appellant(s): WEINBERG ET AL.

Jeffrey D. Sanok
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/22/2009 appealing from the Office action mailed 12/24/2008.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The amendment after final rejection filed on 3/20/2009 has not been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is deficient. 37 CFR 41.37(c)(1)(v) requires the summary of claimed subject matter to include: (1) a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number, and to the drawing, if any, by reference characters and (2) for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or

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acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters. The brief is deficient because The limitation of "Another advantage of the invention lies in the ability to use the learning and/or demonstration mode in a targeted manner for product information and/or sales promotion.⁶ It is advantageous for a vehicle dealer to be able to show the customer such a function in the showroom, on the company grounds, or during a short test drive. This can be achieved by way of the invention" was not in the claim.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2004/0209594 A1

Naboulsi

10-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

DETAILED ACTION

Claim Rejections - 35 USC § 102

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Naboulsi (Pub # US 2004/0209594 A1).

Consider claim 1, Naboulsi clearly shows and discloses a system (11, Fig. 1) for a driver of a motor vehicle (2, Fig. 1), comprising: a driver assistance system that outputs, as a function of certain conditions (vehicle fault / warning light, and etc.), at least one piece of information to the driver of the motor vehicle [0037]; wherein the driver assistance system has a normal mode of operation and at least one of a demonstration (training) [0111 lines 1-4] and learning mode [0110 lines 1-3] of operation, the driver assistance system being transferable into the at least one of the demonstration (training) and learning mode of operation in which the conditions applied for outputting the at least one piece of information (certain routine or unusual events) to the driver are different from the conditions applied for outputting the at least one piece of information (address of particular location) to the driver in the normal mode of operation [0110 lines 4-8].

Consider claim 2, Naboulsi clearly shows and disclose the system, wherein the at least one piece of information is warning information [0037].

Consider claims 3 and 4, Naboulsi clearly shows and disclose the system, wherein the conditions (certain routine or unusual events) for outputting information in the at least one of the demonstration and learning mode are selected such that a probability for outputting the

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information is higher than in the normal mode of operation [0110].

Consider claims 5 and 6, Naboulsi clearly shows and disclose the system, wherein in the at least one of the demonstration (training) [0111 lines 1-3] and learning mode of operation [0110 lines 1-8], certain parameters of a signal processing process employed by the driver assistance system are varied compared to the normal mode of operation of the driver assistance system [0110 lines 1-8].

Consider claims 7-10 Naboulsi clearly shows and disclose the system, further comprising an operating element operatively coupled with the driver assistance system to allow for manual activation of the at least one of the demonstration and learning mode of operation of the driver assistance system [0110 lines 21-25].

Consider claims 11-13 , Naboulsi clearly shows and disclose the system, wherein at least one parameter of a signal processing process employed by the driver assistance system is variable continuously or in discrete gradations via an operator [0008 lines 14-22].

Consider claim 14, Naboulsi clearly shows and disclose a method of operating a driver assistance system (11, Fig. 1) that outputs, as a function of certain conditions (vehicle fault / warning light, and etc.), at least one piece of information to a driver of a motor vehicle (2, Fig. 1), the method comprising the acts of: operating the driver assistance system in a normal mode of operation, in which the at least one piece of information [0037] is output to the driver as a function of certain conditions (vehicle fault / warning light, and etc.); and transferring the driver assistance system into at least one of a demonstration (training) [0111 lines 1-4] and learning mode of operation [0110 lines 1-8], in which at least one of the certain conditions (certain routine or unusual events, and etc.) applied for outputting the piece of information (address of

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particular location) to the driver differs from its condition in the normal mode of operation [0110 lines 1-8].

Consider claim 15, Naboulsi clearly shows and disclose the method, wherein the at least one piece of information is warning information [0037].

Consider claim 16, Naboulsi clearly shows and disclose the method, wherein the conditions certain routine or unusual events, and etc.) for outputting information (address of particular location) in the at least one of the demonstration (training) [0111 lines 1-3] and learning mode are selected such that a probability for outputting the information is higher than in the normal mode of operation [0110 lines 1-8].

Consider claim 17, Naboulsi clearly shows and disclose the method, further comprising the act of varying certain parameters of a signal processing process employed by the driver assistance system in the at least one of the demonstration (training) [0111 lines 1-3] and learning mode of operation in comparison to the normal operating mode of the driver assistance system [0110 lines 1-8].

Consider claim 18, Naboulsi clearly shows and disclose the method, further comprising the act of activating the at least one of the demonstration and learning mode of operation in a targeted manner [0110 lines 21-25].

Consider claim 19, Naboulsi clearly shows and disclose the method, further comprising the act of varying either continuously or in discrete gradations one of more parameters of a signal processing process employed by the driver assistance system [0008 lines 14-22].

(10) Response to Argument

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The Appeal Brief filed on 9/22/2009 contains incorrect serial number in pages 2-11, and pages A1-A7. The correct serial number should be #11/926,244 instead of #11/491,131. Appropriate correction is required.

The Appeal Brief filed on 9/22/2009 contains typographical error in Conclusion, wherein the "Appellant's claims 1-16" should be --Appellant's claims 1-19--. Appropriate correction is required.

Applicant's arguments filed 9/22/2009 have been fully considered but they are not persuasive.

Regarding claim 1, Appellant argues that the Naboulsi discloses the "learning" and "training" mode does not anticipated the "normal" and "demonstration" mode as in claim 1. The Examiner respectfully disagrees. Naboulsi disclosed a "learning mode" and "training mode" in addition to the normal mode. As describe in [0110] "The learning mode provides increased customization ability to the driver, and can help build the driver's profile /driving habits and characteristics. Also, he has disclosed in [0111], "Training mode may also provide increased feedback of the reasons for suppression of any input/output device, and perhaps, ways to avoid such suppression (reduce vehicle speed, avoid harsh accelerations, etc)". Since the claim 1 limitation of ".....wherein the driver assistance system has a normal mode of operation and at least one of a demonstration and learning mode of operation, the driver assistance system being transferable into the at least one of the demonstration and learning mode of operation in which the conditions applied for outputting the at least one piece of information to the driver are different from the conditions applied for outputting the at least one piece of information to the driver in the normal mode of operation." has been broadly claimed without specifically condition

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and the claim is not a means for functional claim. Therefore, Naboulsi clearly disclosed at least one piece of information to the driver are different then the conditions applied for outputting the at least one piece of information to the driver in the normal mode of operation, which fulfilled all limitation claimed by Appellant.

Regarding claim 3, Appellant argues that Naboulsi does not discuss the frequency or probability that a driver would be alerted. The Examiner respectfully disagrees. As described in [0110], Naboulsi disclosed “The learning mode could also be used to call out other features the driver may want to be reminded or warned of in the future, such as school zones, railroad crossings, changing speed limits, etc. The system could prompt or notify the driver when the vehicle is approaching such stored features as a function of the vehicle heading and geographic location”, which fulfilled the limitation of “the condition for outputting information in the at least one of the demonstration and learning mode” claimed by Appellant.

Regarding claim 11, Appellant argues that Naboulsi does not anticipate that at least one parameter on a signal processing process employed by the driver assistance system is variable continuously or in discrete gradations via an operator. The Examiner respectfully disagrees. As described in [0008], Naboulsi disclosed “In one implementation, the invention employs a method for automated machine prioritizing (variable continuously) to provide assistance to the to driver and optimize the functionality (gradations) of telematics features accessibility by arranging them according to a user's needs (via an operator) and preferences based on usage frequency of individual features and/or application or as customized individually by the user preferences, skills and events”. Therefore, Naboulsi fulfilled the limitation claimed by Appellant.

Regarding claim 14, Appellant argues that Naboulsi does not anticipate that the claimed

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condition applied from outputting the piece of information to the driver in the learning and/or teaching modes differ from the conditions for outputting the information in the normal mode of operation. The Examiner respectfully disagrees. As described in [0110], Naboulsi disclosed “The learning mode could also be used to call out other features the driver may want to be reminded or warned of in the future, (at least one piece of information is output to driver) such as school zones, railroad crossings, changing speed limits, etc. The system could prompt or notify the driver when the vehicle is approaching such stored features as a function of the vehicle heading and geographic location”. Therefore, Naboulsi clearly anticipated the limitation claimed by Appellant.

Regarding claim 19, Appellant argues that Naboulsi does not anticipate that a parameter of the signaling process in variable continuously or in discrete gradations via an operator. The Examiner respectfully disagrees. As described in [0008], Naboulsi disclosed “In one implementation, the invention employs a method for automated machine prioritizing (variable continuously) to provide assistance to the driver and optimize the functionality (gradations) of telematics features accessibility by arranging them according to a user's needs (via an operator) and preferences based on usage frequency of individual features and/or application or as customized individually by the user preferences, skills and events”. Therefore, Naboulsi clearly anticipates the limitation claimed by Appellant.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/JACK WANG/

Examiner, Art Unit 2612

Conferees:

/BENJAMIN C. LEE/

Supervisory Patent Examiner, Art Unit 2612

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