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EXAMINER

LEE, B

ART UNIT

PAPER NUMBER

5

E6M1/1114

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DATE MAILED:

11/14/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 8/24/95 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-3, 5-9 and 11-19 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims 4 and 10 have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-3, 5-9 and 11-19 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Response To Amendment

1. Applicant's arguments filed Aug. 24, 1995 have been fully considered but they are not deemed to be persuasive.
2. Claims 4 and 10 have been cancelled by Applicant.

Claim Rejections - 35 USC § 103

3. Claims 1-3, 6-7, 9, 11 and 17-19 are rejected under 35 U.S.C. § 103 as being unpatentable over Martin et al.

1) In considering amended claim 1, Martin et al. met all of the claimed subject matter as in the consideration of claim 4 of the previous Office action, wherein:

--the claimed traffic transceiver is met by the two-way communications between unit 14 and traffic info interface 20 of Fig. 1 indicated by the double-headed arrow.

2) In considering claim 2, Martin et al. disclosed all of the claimed subject matter as in amended claim 1, plus the consideration of claim 2 of the previous Office action.

3) In considering claim 3, Martin et al. disclosed all of the claimed subject matter as in claim 2, plus the consideration of claim 3 of the previous Office action.

4) In considering claim 6, Martin et al. disclosed all of the claimed subject matter as in claim 3, plus the consideration of claim 6 of the previous Office action.

5) In considering claim 7, Martin et al. disclosed all of the claimed subject matter as in claim 6, including:

--the claimed said means for determining a route of shortest duration is adapted to determine the time necessary to travel said each identified navigation route by its corresponding speed rate provided by said traffic receiving means, is met by col. 3, lines 34-38 and col. 5, lines 21-23.

6) In considering amended claim 9, Martin et al. disclosed all of the claimed subject matter as in the consideration of claim 9 of the previous Office action, plus the consideration of amended claim 1.

7) In considering claim 11, Martin et al. disclosed all of the claimed subject matter as in amended claim 9, plus the consideration of claim 11 of the previous Office action.

8) In considering claim 17, Martin et al. disclosed all of the claimed subject matter as in amended claim 1, but not:

--specifying the claimed said speed rates are transmitted in a minimum data representation format.

However, one of ordinary skill in the art at the time of the claimed invention would have readily recognized the desirability of using a traffic data transmission data format for a system such as taught by Martin et al. so as not to waste expensive transmission time or bandwidth while is sufficient for the purpose of transmitting the traffic data.

9) In considering claim 18, Martin et al. disclosed all of the claimed subject matter as in amended claim 1, but not:

--specifying the claimed said centrally located database includes typical seasonal and daily traffic patterns.

However, one of ordinary skill in the art at the time of the claimed invention would have readily recognized traffic databases and traffic advisory centers usually include typical seasonal and daily traffic patterns for the purpose of record keeping, statistical analysis, area traffic comparison and predictions.

10) In considering claim 19, Martin et al. disclosed all of the claimed subject matter as in amended claim 1, wherein:

--the claimed wherein each street of said road map includes speed rate and length of said street are inherent in streets of the United States.

4. Claim 5 is rejected under 35 U.S.C. § 103 as being unpatentable over Martin et al. and Masumoto.

1) In considering claim 5, Martin et al. disclosed all of the claimed subject matter as in amended claim 1, but not:

--specifying the claimed wherein said map means includes a CD-ROM device for storing and retrieving said plurality of road maps.

Martin et al. disclosed use of a retrievable digital road map database (element 12 of Fig. 1), but did not specify what type of device is used to store and retrieve such a database. However, use of CD-ROM for storing road map data in a navigation

system has been known in the art. For example, Masumoto teaches such known usage (Fig. 2). Furthermore, it has been known that CD-ROMs are well fitted for storing massive databases including digital road map data for its characteristically well-balanced retrieval speed and reliability. One of ordinary skill in the art at the time of the claimed invention would have readily recognized the desirability of using a CD-ROM for storing large amount of data such as taught by Masumoto in a system such as taught by Martin et al.

5. Claims 8 and 12-16 are rejected under 35 U.S.C. § 103 as being unpatentable over Martin et al. and Furuya.

1) In considering claim 8, Martin et al. disclosed all of the claimed subject matter as in claim 6, but not:

--specifying the claimed said traffic receiving means is adapted to display traffic information on said display means in association with the actual position of said automotive vehicle.

Martin et al. teaches a map display for displaying the actual position of the vehicle (col. 4, lines 48-53) and that the driver of the vehicle is notified of any traffic congestion condition (col. 7, lines 31-35), but did not specify the display of traffic information on said display means in association with the actual position of said automotive vehicle. In the same navigation and display art, Furuya discloses a road map display system that receives traffic information and displays such traffic information in association with the actual position of

the vehicle (col. 3, lines 53-58 and col. 4, lines 25-48). In view of the teachings by Martin et al. and Furuya, one of ordinary skill in the art at the time of the claimed invention would have readily recognized the desirability of notifying the driver of a traffic condition by way of a known display method such as taught by Furuya in a system such as taught by Martin et al. to clearly present the relevant traffic information to the driver.

2) In considering claim 12, Martin et al. disclosed all of the claimed subject matter as in claim 11, plus the consideration of claim 8 over Martin et al. and Furuya.

3) In considering amended claim 13, Martin et al. and Furuya disclosed all of the claimed subject matter as in the consideration of claim 8, wherein:

--one of ordinary skill in the art at the time of the claimed invention would have readily recognized that the claimed said transceiving of traffic information is on the basis of the actual position of said automobile vehicle would have been inherent in a system such as taught by Martin et al. and Furuya since the received traffic information is displayed with and therefore corresponding to the displayed map area containing the current vehicle location.

4) In considering claim 14, Martin et al. and Furuya disclosed all of the claimed subject matter as in amended claim

13, plus the consideration of claim 14 of the previous Office action.

5) In considering claim 15, Martin et al. disclosed all of the claimed subject matter as in claim 14, plus the consideration of claim 8 over Martin et al. and Furuya.

6) In considering claim 16, Martin et al. and Furuya disclosed all of the claimed subject matter as in amended claim 13, plus the consideration of claim 11.

Remarks

6. The following are Examiner's response to Applicant's remarks.

1) Applicant's argument that "the claimed navigation system (on the vehicle) requests information about a particular road or route and receives individualized information pertaining to that route (from the central database)" and having "the added ability to transmit updated traffic information to the central database (from the current vehicle)" is not supported by the claims and therefore Applicant's argument is not deemed persuasive and the rejections are maintained.

2) Applicant argued that the Martin et al. device which "receives broadcasted traffic information from central" is different from the claimed "transceiving traffic information from central". However, while the "broadcasting" feature is used as an example in the Martin et al. teaching (col. 5, lines 1-4), the

vehicle-mounted traffic interface is being disclosed as a two-way communications device (Fig. 1). Furthermore, the claimed transceiver is only being used to receive, i.e. "from the central database to the vehicle unit". As a result, whether the claimed transceiver is only used as a one-way or a two-way communications device, the Martin et al. teaching met such limitations.

3) Applicant argued that the Masumoto and the Furuya references fail to cure the deficiency of the Martin et al. reference in teaching or suggesting transmitting or receiving traffic information over a wireless channel from a central data base. Since the Martin et al. reference met the argued feature as indicated above, the rejections made are maintained.

4) In conclusion, Applicant's arguments are not deemed persuasive and the rejections made are maintained.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE **THREE MONTHS** FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

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Art Unit: 2617

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin Lee whose telephone number is (703) 308-6735. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday from 7:00 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Peng, can be reached at (703) 305-4392. The fax phone number for this Group is (703) 308-5397.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-8576.

Brent Swarthout

B.L.
November 3, 1995

BRENT A. SWARTHOUT
PRIMARY EXAMINER
GROUP 2600