APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/422,085	03/16/2012	William Louis Scheer	Moved 150608-W-AN-00020	5098

150608   7590   01/30/2019
SMALL - CTO
Dean Small, The Small Patent Law Group
225 S MERAMEC SUITE 725
SAINT LOUIS, MO 63015

EXAMINER
RAZA, MUHAMMAD A

ART UNIT	PAPER NUMBER
2449	

NOTIFICATION DATE	DELIVERY MODE
01/30/2019	ELECTRONIC

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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@splglaw.com
ipcorrespondence@tycofp.com

PTOL-90A (Rev. 04/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

———————————

BEFORE THE PATENT TRIAL AND APPEAL BOARD

———————————

Ex parte WILLIAM LOUIS SCHEER

———————————

Appeal 2017-011742
Application 13/422,085[1]
Technology Center 2400

———————————

Before JOSEPH P. LENTIVECH, SHARON FENICK, and
PHILLIP A. BENNETT, *Administrative Patent Judges.*

BENNETT, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 2, 3, 6, 8, 9, 11, 12, 15, 17, 18, 20, and 23–31. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

———————————

[1] Appellant's Brief ("App. Br.") identifies ADT Security Services, Inc. as the real party in interest. App. Br. 4.

CLAIMED SUBJECT MATTER

The claims are directed to a system and method for monitoring a location. Spec., Title. Claim 24, reproduced below, is illustrative of the claimed subject matter:

24. A system for monitoring a location, the system comprising:
    a local agent device at the location; and
    at least one sub-system at the location, wherein the at least one sub-system is in communication with the local agent device,
    wherein the local agent device is configured to detect and respond to a standard event occurring at or within the at least one sub-system according to a standard procedure in which the local agent device automatically performs a standard task with respect to the at least one sub-system,
    wherein the local agent device is configured to detect and respond to an alarm event occurring at or within the at least one sub-system according to an alarm procedure in which the local agent device automatically performs an alarm task with respect to the at least one sub-system and contacts a monitoring center that is remotely located from the location, and
    wherein the local agent device is configured to detect and respond to an emergency event occurring at or within the at least one sub-system according to an emergency procedure in which the local agent device contacts emergency personnel.

App. Br. 33–34 (Claims Appendix).

REFERENCES

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Hess	US 2008/0180241 A1	July 31, 2008
Trundle	US 2011/0102588 A1	May 5, 2011
Curtiss	US 8,779,921 B1	July 15, 2014

REJECTIONS

Claims 2, 3, 6, 8, 9, 11, 12, 15, 17, 18, 20, and 23–31 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Final Act. 4–8.

Claims 2, 3, 6, 8, 9, 11, 12, 15, 17, 18, 20, and 23–31 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Final Act. 9–11.

Claims 2, 3, 6, 8, 9, 11, 12, 15, 17, 18, 20, and 23–31 stand rejected under 35 U.S.C. § 101 as being directed to ineligible subject matter. Final Act. 12–19.

Claims 2, 3, 6, 8, 9, 11, 12, 15, 17, 18, 20, 23, 24, 26, 27, 29, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Curtiss and Hess. Final Act. 20–36.

Claims 25, 28, and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Curtiss, Hess, and Trundle. Final Act. 37–38.

ISSUES

First Issue: Has the Examiner erred in rejecting the claims for lack of written description?

Second Issue: Has the Examiner erred in concluding the claims are indefinite?

Third Issue: Has the Examiner erred in concluding the claims are directed to patent-ineligible subject matter?

Fourth Issue: In concluding the independent claims are obvious, has the Examiner erred in construing the phrase "respond to an emergency event according to an emergency procedure in which the local agent device

contacts emergency personnel," as encompassing a local agent device indirectly contacting emergency personnel via a monitoring station intermediary?

Fifth Issue: Has the Examiner erred in finding Curtiss and Hess teach, suggest, or otherwise render obvious "an alarm procedure in which the local agent device automatically performs an alarm task with respect to the at least one sub-system and contacts a monitoring center that is remotely located from the location," as recited in the independent claims?

Sixth Issue: Has the Examiner erred in finding Curtiss teaches, suggests, or otherwise renders obvious "wherein one or both of the local agent device and the monitoring center generates an incident report of one or more of the standard, alarm, or emergency events, and wherein one or both of the local agent device or the monitoring center sends the incident report to an individual associated with the location," as recited in claim 8?

Seventh Issue: Has the Examiner erred in finding Trundle teaches, suggests, or otherwise renders obvious "wherein the local agent refrains from contacting the monitoring center during the one or more standard procedures," as recited in claim 25?

ANALYSIS

First Issue—Written Description

The Examiner rejects the claims for lack of written description because "Applicant does not even disclose a single algorithm or step/procedure for achieving the functionality [recited in the claims]." Final Act. 7. The Examiner states that "[a] claim to functionality must be supported by at least a single algorithm or step/procedure for achieving it."

Final Act. 8 (citing *Ven-Tel, Inc. v. Hayes Microcomputer Prods. (In re Hayes Microcomputer Prods. Patent Litig.)*, 982 F.2d 1527, 1533–34 (Fed. Cir. 1992)). The Examiner further states that "[e]ven if Applicant discloses and algorithm or step/procedure for achieving the functionality, a claim to functionality is overbroad of the disclosure of a single means of achieving it." *Id.*

Appellant contends the Examiner has erred in several respects. First, Appellant argues the rejection is deficient because "the Office Action makes no attempt to particularly point out what portions of the claims are allegedly not supported by the specification. Instead, the Office Action simply reproduces large portions of certain claims and summarily concludes there is a lack of written description support, seemingly because the term 'algorithm' is not recited." App. Br. 13 (citations omitted). Appellant further argues all of the limitations recited in the independent claims are supported throughout the Specification (citing ¶¶ 26–93), and also by the drawings including Figure 1, which illustrates a block diagram of a site monitoring system, and Figure 8, which provides a flow chart describing the claimed operations performed by a local agent device. App. Br. 13. Appellant also maintains the rejection is procedurally deficient because "[u]nless the Office Action specifically points to precise limitations of the claims that are allegedly not supported by the specification, the Applicant has no way to know how to address such an overly broad, vague, and arbitrary rejection." *Id.* at 13–14.

We agree with Appellant that the written description rejection is flawed both procedurally and substantively. Procedurally, the rejection is deficient because it does not identify with specificity the limitations lacking support in the Specification. Rather, the Examiner merely reproduces

verbatim, the entire text of the body of the claim and finds that it lacks description because the Specification "does not even disclose a single algorithm or step/procedure for achieving the functionality." Final Act. 7. However, the Examiner does not provide any reasoning or explanation for why the lengthy description in the Specification, together with the system architecture and data flow depicted in the drawings (*see, e.g.*, Fig. 1 and Fig. 8), does not provide description sufficient to demonstrate the inventor possessed the limitations recited in the claims. Substantively, we also agree with Appellant that the Specification provides the requisite support. In particular, we agree the claims find support in the citations provided by Appellant in section of the Appeal Brief entitled "Summary of the Claimed Subject Matter." App. Br. 5–9. For each independent claim, Appellant provides specific citations to exemplary support for each limitation. As we noted above, the Examiner does not explain why these identified portions of the Specification are insufficient. The Examiner does not address the arguments presented by Appellant in the Examiner's Answer. As such, we are persuaded the Examiner has erred in rejecting the claims for lack of written description, and we do not sustain the rejections under 35 U.S.C. § 112, first paragraph.

Second Issue—Indefiniteness

The Examiner determines the claims suffer from various deficiencies under 35 U.S.C. § 112, second paragraph, and concludes they are indefinite. With respect to the independent claims, the Examiner determines that "the meaning of standard event, standard procedure, standard task, alarm event, alarm procedure, alarm task, emergency event, and emergency procedure is ambiguous." Final Act. 9. The Examiner reasons that "[t]he specification

does not supply any standard for measuring the scope of the standard event, alarm event, and emergency event." Ans. 5 (emphasis omitted).

We agree with Appellant that the Examiner has erred in concluding that "standard," "alarm," and "emergency" are subjective terms as used in the claims. Each of these terms are defined in terms of how they are handled by the local agent device. *See, e.g.*, Spec. ¶ 50 ("The business logic and action and response plans are examples of procedures based on defined events that instruct the local agent device 106 how to operate based on various situations."), 52 ("In order to program the local agent device 106, and individual enters information regarding various events and action procedures for each event."). That is, a "standard event" is any event which has been programmed into the local agent device such that it causes the local agent device to perform a particular set of procedures, identified as "standard procedures." *See* Spec. ¶ 51. Similarly, and "alarm event" is an event defined in local agent device such that its occurrence causes the local agent device to perform "alarm procedures," which include contacting the monitoring center. *Id.* The recited "emergency event" is also an event defined in the local agent device such that upon its occurrence emergency procedures are implemented, including contacting emergency personnel. As such, we agree with Appellant that the use of the descriptive words "standard," "alarm," and "emergency" are not subjective and ambiguous, and we do not sustain the indefiniteness rejection made on this basis.

The Examiner further determines that the limitations "performs one or more standard tasks with respect to the one or more of the plurality of sub-systems," and "performs one or more alarm tasks with respect to the one or more plurality of sub-systems" are ambiguous, and therefore are indefinite.

Final Act. 6. Appellant argues the language of the claim is clear and unambiguous, and that the Examiner draws a "subjective conclusion in the Office Action." App. Br. 16. Appellant further argues the Specification provides examples of the recited "tasks," which are performed with respect to the "sub-systems." *Id.* (citations omitted).

We agree with Appellant, and we discern no ambiguity in the limitations identified by the Examiner. The recited limitations would be readily understood by an ordinarily skilled artisan as meaning the local agent device performs one or more standard or alarm tasks that relate to a particular sub-system. As the Specification makes clear, the subsystems may be other technology systems at the location of the local agent device, such as, for example a video monitoring device, a card access device, temperature sensors, water sensors, and the like. *See, e.g.*, Spec. ¶¶ 28–29. Accordingly, we agree with Appellant that the Examiner erred in concluding the limitations "performs one or more standard tasks with respect to the one or more of the plurality of sub-systems," and "performs one or more alarm tasks with respect to the one or more plurality of sub-systems" are indefinite.

The Examiner further rejects the independent claims concluding that the phrase "wherein the local agent device . . . contacts a monitoring center" is indefinite because "the purpose and functional significance of contacting the monitoring center is unclear in the limitation." Final Act. 11. Appellant argues there is no requirement that the "purpose" and "functional significance" be observable in the claim, and that the Examiner evaluates claims under an unreasonably stringent standard for indefiniteness.[2] Reply

---

[2] The Examiner maintains that Appellant waived his challenge to this rejection. Ans. 7–8. We note that our regulations give us discretion to

Br. 4–5. We agree with Appellant the Examiner has evaluated this limitation under an unduly rigorous standard. *In re Packard*, 751 F.3d 1307, 1313 (Fed. Cir. 2014) ("[C]laims are required to be cast in clear—as opposed to ambiguous, vague, indefinite—terms. At the same time, this requirement is not a demand for unreasonable precision.") (citations omitted). Here, the requirement imposed by the Examiner—that the purpose and functional significance be set forth in the language of the claim—constitutes "a demand for unreasonable precision" that goes beyond merely requiring clarity in the chosen language. As such, we agree that the phrase "wherein the local agent device . . . contacts a monitoring center" does not lack clarity, and we do not sustain the Examiner's conclusion of indefiniteness with respect to this limitation.

The Examiner also concludes the independent claims are indefinite because "the difference between 'a location' and 'a first location; the first location' is unclear." Final Act. 11. In the Appeal Brief, Appellant argue there is no ambiguity because independent claim 24 and its dependent claims uniformly utilize the term "location," while independent claims 27 and 30 and their respective dependent claims uniformly recite the term "first location." App. Br. 16. We agree with Appellant. There is no requirement that the same claim terms be used throughout all of the independent claims as the Examiner suggests. Here, Appellant's claims are entirely consistent in their use of the phrases "a location" and "a first location." In particular, independent claim 24 introduces "a location," and all subsequent references to it in its dependent claims recite "the location." As such, there is no

---

consider arguments not presented in the Appeal Brief to be waived, but do not require us to do so. Here, we will consider Appellant's arguments.

9

inconsistency or ambiguity in claim 24 or its dependent claims. Similarly, independent claims 27 and 30 introduce "a first location" in the first limitation of the body of the claim, and all subsequent references to that phrase in their respective dependent claims recite "the first location."[3] Accordingly, we are persuaded the Examiner erred in concluding the claims are indefinite based on their use of different terminology between different independent claims.

The Examiner also rejects the claims for indefiniteness because "the meaning of the 'emergency personnel' is ambiguous due to the subjectivity of the terminology." Final Act. 11. Appellant argues this phrase is not indefinite because the Specification makes clear its meaning. App. Br. 16 (citing Spec. ¶¶ 12, 35, 60, and 88). We agree with Appellant that "emergency personnel" is not so subjective as to render its use indefinite in the claims. When read in light of the passages in the Specification identified by Appellant, it is clear that "emergency personnel" refers to persons tasked with responding to emergencies. Accordingly, we agree with Appellant the Examiner erred in finding "emergency personnel" ambiguous and indefinite, and we do not sustain the rejection made on this basis.

Finally, the Examiner also rejects dependent claims 6, 8, 15, 17, and 23 as being indefinite because "the meaning of the limitation 'an individual associated with the location' is ambiguous." Final Act. 10. Appellant

---

[3] We observe that claims 27 and 30 both recite "a location" in their respective preambles. However, we interpret "a location" as being a general reference to intended purpose of the claimed system (claim 27) and method (claim 30), and not related to the recited "first location" which refers to a specific location. As such, the recitation of "a location" in the preamble does not make the claims indefinite.

argues there is no ambiguity in the phrase because the Specification provides various examples of who such an individual would be. App. Br. 15 (citing Spec. ¶¶ 11, 12, 14, 17, 34, 46, 52, 69, 72, and 83–85). We agree with Appellant that the Examiner has erred in his conclusions. When read in light of the Specification, the meaning of "an individual associated with the location" is readily ascertainable. The paragraphs cited by Appellant as clarifying the meaning of the phrase demonstrate that "an individual associated with the location" is any person who has some pre-existing relationship to the location. As such, we agree with Appellant the Examiner has erred in concluding dependent claims 6, 8, 15, 17, and 23 are indefinite based on ambiguity in the phrase "an individual associated with the location," and we do not sustain the rejection of these claims on this basis.

In sum, in each instance where the Examiner concluded the claims lacked definiteness under 35 U.S.C. § 112, second paragraph, we agree with Appellant that the Examiner's conclusions are erroneous. Therefore, we do not sustain any of the rejections made under 35 U.S.C. § 112, second paragraph.

Third Issue—Patent-Eligibility

In issues involving subject matter eligibility, our inquiry focuses on whether the claims satisfy the two-step test set forth by the Supreme Court in *Alice Corp. v. CLS Bank Int'l*, 134 S. Ct. 2347 (2014). The Supreme Court instructs us to "first determine whether the claims at issue are directed to a patent-ineligible concept," *id.* at 2355, and, in this case, the inquiry centers on whether the claims are directed to an abstract idea. If the initial threshold is met, we then move to the second step, in which we "consider the elements of each claim both individually and 'as an ordered combination' to

11

determine whether the additional elements 'transform the nature of the claim' into a patent-eligible application." *Id.* (*quoting Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 79, 78 (2012)). The Supreme Court describes the second step as a search for "an 'inventive concept'—*i.e.*, an element or combination of elements that is 'sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.'" *Id.* (quoting *Mayo*, 566 U.S. at 72–73).

The USPTO recently published revised guidance on the application of § 101. USPTO's January 7, 2019 Memorandum, *2019 Revised Patent Subject Matter Eligibility Guidance* ("Memorandum"). Under that guidance, we first look to whether the claim recites:

> (1) any judicial exceptions, including certain groupings of abstract ideas (i.e., mathematical concepts, certain methods of organizing human interactions such as a fundamental economic practice, or mental processes); and
>
> (2) additional elements that integrate the judicial exception into a practical application (*see* MPEP § 2106.05(a)–(c), (e)–(h)).

Only if a claim (1) recites a judicial exception and (2) does not integrate that exception into a practical application, do we then look to whether the claim:

> (3) adds a specific limitation beyond the judicial exception that is not "well-understood, routine, conventional" in the field (*see* MPEP § 2106.05(d)); or
>
> (4) simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception.

See Memorandum.

In rejecting the claims under 35 U.S.C. § 101, the Examiner determines the claims are directed to an abstract idea of "detecting event(s) and responding to the event(s) according to procedure(s)." Final Act. 12–13 (emphasis omitted). The Examiner explains that the concept recited in the independent claims "corresponds to concepts identified as abstract ideas by the courts, such as creating a contractual relationship; comparing data to determine a risk level; comparing new and stored information and using rules to identify options; a formula for computing an alarm limit; or and algorithm for calculating parameters indicating an abnormal condition." Final Act. 13. In characterizing the claims as being directed to the abstract idea, the Examiner explains that the claimed concepts correspond to claims from various earlier-decided cases (Ans. 12).

The Examiner finds the claims do not amount to significantly more than the abstract idea because "the additional computer elements, which are recited at a high level of generality, provide conventional computer functions that do not add meaningful limits to practicing the abstract idea." Final Act. 12. In analyzing the claims under *Alice* step 2, the Examiner notes that the "claim recites the additional limitations of a 'local agent device' . . . and a 'sub-system.'" Ans. 14. The Examiner determines that the "local agent" and "sub-system" are recited at a high level of generality and are recited as performing generic computer functions routinely used in computer applications. *Id.* (emphasis omitted). The Examiner explains that "the arrangement of each of the elements and functionalities in the independent claims merely depicts at a very high level of generality the configuration of the security or monitoring system implemented in homes and businesses." *Id.* (emphasis omitted). The Examiner further explains the

"local agent device is a generic computer components in a security or monitoring environment because [the Specification] . . . states that the local agent device is merely a server." Ans. 15 (citing Spec. ¶¶ 6–7) (emphasis omitted). The Examiner makes a similar finding with respect to the recited "sub-system," stating that it amounts to only "a generic computer component in a security or monitoring environment because . . . [the Specification] states that the sub-system could merely be a video camera, still image camera, etc." Ans. 15 (citing Spec. ¶ 28) (emphasis omitted). The Examiner, in evaluating the claim as a whole, finds that the claim does not provide a technological improvement because the claim "is simply applying this basic concept of monitoring a premises by security personnel according to procedures using general purpose devices, such as CCTV camera installed on the facility." Ans. 16 (emphasis omitted).

Appellant presents several arguments for patent eligibility. Appellant first argues the alleged abstract idea identified by the Examiner—detecting events and responding to the events according to procedures—is not similar to one in which the courts have identified as an abstract idea. App. Br. 17. Appellant further argues the Examiner's characterization of the abstract idea is flawed because "none of the claims merely recites 'a method comprising detecting an event and responding to the event according to a procedure.'" *Id.* Appellant asserts "the claims are not simply directed to any form of detecting events and responding to the events according to procedures, but are specifically directed to a local agent device and at least one sub-system is in communication with the local agent device at a common location." App. Br. 18 (emphasis omitted). Appellant argues the detailed limitations regarding the configuration of the local agent device and its associated sub-

systems is dissimilar from the claimed concepts previously found to be abstract, such that "Applicant is unaware of any judicial or regulatory decision holding or finding that this subject matter is an abstract idea." App. Br. 18. According to Appellant, "the Office Action merely re-phrases the claims at a high an abstract level, without specifically addressing the entire subject matter recited in the claims," and it overlooks the fact that "the claims are specifically directed to monitoring locations with local agent device is in communication with one or more sub-systems, which are not human or human activities." App. Br. 18, 19 (emphasis omitted).

Appellant also contends the claims are eligible under the second step of the *Alice* inquiry. Appellant asserts that operations performed by the local agent device in the claims amount to significantly more than the abstract idea itself and are not well-known, routine, or conventional in the field. *See* App. Br. 19–20. These operations include (1) placement of the local agent device in a location in such that it communicates with sub-systems; (2) detecting and responding to standard events within sub-systems according to standard procedures which cause the local agent device to perform standard tasks; (3) detecting and responding to alarm events within sub-systems according to alarm procedures which cause the local agent device to contact a monitoring center; (4) detecting and responding to emergency events within sub-systems according to emergency procedures which cause the local agent device to contact emergency personnel. *Id.* Appellant maintains that these four operations demonstrate that the claim "recites significantly more than an alleged abstract idea of 'detecting event(s) and responding to the event(s) according to procedure(s),'" as asserted in the Office Action. App. Br. 20.

Appellant further argues the rejection is procedurally flawed because the Examiner failed to establish a prima facie case of ineligibility for the dependent claims (App. Br. 21–24), as"[t]he Office Action fails to provide a reasoned rationale or identify a judicial exception with respect to any dependent claim." App. Br. 21.

Applying the guidance set forth in the Memorandum, we conclude the Examiner has erred in rejecting the claims as being directed to patent-ineligible subject matter. The Memorandum instructs us first to determine whether any judicial exception to patent eligibility is recited in the claim. The guidance identifies three judicially-excepted groupings: (1) mathematical concepts, (2) certain methods of organizing human behavior such as fundamental economic practices, and (3) mental processes. Claim 24 recites the limitations of (1) "detect and respond to a standard event . . . according to a standard procedure," (2) "detect and respond to an alarm event . . . according to an alarm procedure," (3) "detect and respond to an emergency event . . . according to an emergency procedure." These limitations, under their broadest reasonable interpretation, cover performance of the limitation in the mind but for the recitation of a "local agent device," which is a generic device.[4]

---

[4] The Specification provides evidence that the recited "local agent device" amounts to only a generic computer component in a security or monitoring environment. *See* Ans. 15. For example, the Specification describes the local agent device as "a small form factor computing device, such as a server, including a main housing 126 having lateral panels 128 connected to a frame 130 and a base 132." Spec. ¶ 36. The Specification further describes that the local agent device "may be any type of computing device having a processing unit, memory, a database, and the like, for example." Spec. ¶ 38.

For example, a person could observe (i.e., detect) a standard event such as a printer running out of ink, and in response to add a replacement cartridge to their shopping list. *See, e.g.*, Spec. ¶ 11. Similarly, an individual could observe an alarm event, such as for example a granted card access after normal business hours, and in response create an incident report. *See, e.g.*, Spec. ¶ 54. The recitation of "detect and respond to an emergency event" also can be broadly interpreted as a mental process. For example, a person could observe an emergency event such as a break-in or fire, and respond by determining that a call to emergency personnel is necessary. These same limitations also can be considered as reciting a method of organizing human interactions. The claimed invention allows people such as business owners to detect and respond to specific types of events taking place at a business location according to a predetermined procedures, which is a method of organizing human interactions.

Having determined the claim recites a judicial exception, we now proceed to determine whether it is integrated into a practical application. The claim recites additional elements including a local agent device, a sub-system at the location which is in communication with the local agent device, contacting a remote monitoring center in response to detecting an alarm event at or within the sub-system, and contacting emergency personnel in response to detecting an emergency event at or within the sub-system. These additional limitations integrate the judicial exceptions, namely the mental processes and human organizing activity identified above, into a practical application. Specifically, these additional elements recite an improvement to location monitoring in that specific events may be defined which cause the system to automatically contact a remote

monitoring center without user intervention, and other emergency events cause the system to automatically contact emergency personnel without needing user intervention. Thus, although the claim recites a judicial exception, the additional elements recited therein integrated into a practical application such that the claim is not *directed to* the recited judicial exception.

Accordingly, we are persuaded the Examiner has erred in determining claim 24 is directed to an abstract idea under the first step of the *Alice/Mayo* inquiry, and we do not sustain the rejection under 35 U.S.C. § 101. For the same reasons, we also do not sustain the rejections of independent claims 27 and 30 which recite similar limitations to those discussed above. The remaining dependent claims also stand together with their respective independent claims.

Fourth Issue—Construction of "contacts emergency personnel"

In rejecting the independent claims under 35 U.S.C. § 103(a), the Examiner relies on Curtiss and Hess. Final Act. 19–29. The Examiner finds Curtiss teaches most of the limitations recited in the independent claims, but acknowledges certain deficiencies, turning to Hess to address those deficiencies. Final Act. 28. Relevant here, the Examiner acknowledges that Curtiss does not teach "respond to one or more emergency events according to one or more emergency procedures in which the local agent device contacts emergency personnel." *Id.* The Examiner finds, however, that Hess teaches this limitation because it describes a central monitoring station that receives alarm information from an on-site alarm processor, and sends that alarm information to emergency personnel such as police, fire, or EMS. Final Act. 29 (citing Hess ¶ 33).

Appellant argues the proposed combination is deficient because in neither Curtiss nor Hess does the local agent device contact emergency personnel as required by the independent claims. Appellant argues the claims require that when an emergency event is detected the local device agent, and not the monitoring center, must contact emergency personnel. App. Br. 26 ("the local agent device response according to an emergency procedure in which the local agent device (not the monitoring center) contacts emergency personnel (which is also is not the monitoring center)") (emphasis omitted). According to Appellant, the prior art does not meet this requirement, because it teaches that the local agent device contacts the emergency personnel indirectly via the monitoring center, and not directly as required by the claims. *Id.*

We are not persuaded by this argument because it is not commensurate with the scope of the argued limitation. Every single embodiment described in the Specification describes the emergency procedure as one in which the local agent device contacts the monitoring center, which in turn contacts emergency personnel. For example, in paragraph 31, the Specification states "[i]f the local agent device 106 receives an emergency alarm detecting an emergency event from one of the sub-systems 108, 110, and 112, the local agent device 106 may contact the remote monitoring center 104." Spec. ¶ 31. The Specification also describes that "[a]n emergency event may prompt the local agent device 106 to immediately contact the remote surveillance server 118 to immediately contact the authorities, for example, through the remote security alarm center 124." Spec. ¶ 51; *see also* Spec. ¶ 61 ("the local agent device 106 performs all tasks at the monitored location 102, with the possible exception

of emergency events, which may be handled by the surveillance server 118, which is at the remote monitoring center 104"), ¶¶ 66, 72, 76, 88, 91 (all describing contacting emergency personnel via an intermediary). As such, we disagree with Appellant that the claims require that the local agent device indirectly contacting emergency personnel in the event of emergency. Appellant does not dispute that the proffered combination teaches contacting emergency personnel via a monitoring center. Accordingly, we are not persuaded Curtiss and Hess fail to teach or suggest the limitation "respond to one or more emergency events according to one or more emergency procedures in which the local agent device contacts emergency personnel," as recited in the independent claims.

Fifth Issue—"alarm procedure"

Appellant also challenges the rejection of the independent claims, arguing that Curtiss and Hess fail to teach or suggest "an alarm procedure in which the local agent device automatically performs an alarm task with respect to the at least one sub-system and contacts a monitoring center that is remotely located from the location," as recited in the independent claims. App. Br. 27–28. More particularly, Appellant asserts:

> [T]he Office Action relies on Hess for teaching a device that contacts a monitoring center, but the Office Action does not demonstrate that the references Curtiss and Hess, whether alone or in combination, teaches a local agent device that both (i) performs an alarm task with respect to at least one sub-system and (ii) contacts a monitoring center when responding to an alarm event."

Id.

We do not find Appellant's argument persuasive for two reasons. First, Appellant's argument amounts to only a bare assertion that the

limitation is not taught in the prior art. This form of argument is not persuasive of Examiner error. 37 C.F.R. § 41.37(c)(1)(iv) ("A statement which merely points out what a claim recites will not be considered an argument for separate patentability of the claim."); *see also In re Lovin*, 652 F.3d 1349, 1357 (Fed. Cir. 2011).

Second, this argument is not persuasive because it does not address the findings made by the Examiner. In particular, the Examiner finds Curtiss teaches the recited "alarm task" because it teaches storing event signatures and running a self-diagnostic check in response to detecting new types of unknown events. Ans. 60–61 (citing Curtiss Fig. 10C–10D). The Examiner does not rely on Curtiss for contacting the monitoring center, relying instead on Hess to supply this teaching. The Examiner finds Hess teaches contacting a remote monitoring center from a home alarm system. Ans. 65 ("Hess discloses home alarm system (or the local agent device) located at a home (or the location) places a call (or contacts) monitoring station (or monitoring center) at some distance away (or separate, distance, and remote) from the home (or the location).") (citing Hess ¶¶ 5, 6, 22). Appellant does not explain why the Examiner's findings, which we find reasonable and supported by the record evidence, are in error. Without any such explanation, we are not persuaded the Examiner erred in finding the combined teachings of Curtiss and Hess teach or otherwise suggest "an alarm procedure in which the local agent device automatically performs an alarm task with respect to the at least one sub-system and contacts a monitoring center that is remotely located from the location," as recited in the independent claims.

Sixth Issue—Dependent claims 8, 17, and 23

Appellant also argues separately for patentability of dependent claim 8, which depends from claim 24 and recites the limitation "wherein one or both of the local agent device and the monitoring center generates an incident report of one or more of the standard, alarm, or emergency events, and wherein one or both of the local agent device or the monitoring center sends the incident report to an individual associated with the location." App. Br. 32 (Claims Appendix).[5]

In rejecting claim 8, the Examiner finds Curtiss teaches a control system 40 stores details of specific threat events within an event log, which corresponds to the recited "local agent device . . . generates an incident report of one or more of the standard, alarm, or emergency events." Ans. 73–74 (citing Curtiss col. 3, ll. 23–65 and Figs. 1–3). The Examiner further finds Curtiss teaches the recited "wherein one or both of the local agent device or the monitoring center sends the incident report to an individual associated with the location" because it teaches that a user interface system 50, which is remote from the protected facility, is used to receive alerts, alarm signals, an event logs generated by the control system 40. Ans. 74–75 (citing Curtiss col. 3, ll. 23–65, col. 8, ll. 55–67, col. 27,

---

[5] Appellant also argues dependent claim 17, which recites a substantially similar limitation and depends from independent claim 27, together with claim 8. Thus, claim 17 stands or falls along with claim 8. Appellant also argue the Examiner has failed to specifically address the limitation of claim 23 because it was grouped in the rejection with dependent claims 6 and 15, which recite different limitations. App. Br. 28–29. However, claim 23 recites substantially the same limitations as dependent claims 8 and 17, which we address herein, and the Examiner's grouping of claim 23 with claims 6 and 15 is merely an obvious typographical error. As such, claim 23 stands or falls along with dependent claims 8 and 17.

ll. 1–10, col. 28, ll. 12–26, col. 29, ll. 52–67, and col. 30, ll. 10–23).
Appellant argues Curtiss is deficient because it is limited to logging
unknown events which are deemed suspicious by the control system, and
that "[l]ogging an unidentified event in order to attempt to identify pattern is
not the same as the recited claim language." App. Br. 28 (citing Curtiss col.
27, 6–30). According to Appellant, the recited incident report must be a
specifically identified event, and cannot be an unknown event. Id.

We are not persuaded by this argument. Appellant's argument
differentiates the claims based on a portion of Curtiss not cited by the
Examiner. Appellant does not address the portions of Curtiss relied upon by
the Examiner. Moreover, Curtiss is not limited in the way Appellant
suggests. Curtiss discloses "stor[ing] details of the specific threat event
within an event log." Curtiss col. 3, ll. 33–34. Thus, Appellant's contention
that Curtiss is limited to logging unknown events is incorrect. Accordingly,
we are not persuaded the Examiner erred in concluding dependent claim 8 is
rendered obvious by the teachings of Curtiss and Hess, and we therefore
sustain its rejection.

Seventh Issue—Dependent Claims 25, 28, and 31

Appellant also challenges the Examiner's conclusion of obviousness
with respect to dependent claim 25, which depends from independent claim
24 and which recites the limitation, "wherein the local agent refrains from
contacting the monitoring center during the standard procedure." App.
Br. 34 (Claims Appendix). We initially note the Specification's sole
reference to "refrains" does not specify the local agent "refrains from
contacting the monitoring center." Rather, the Specification merely states
that "a procedure may indicate that the local agent device 106 refrains from

any actions based on a standard event." Spec. ¶ 53.[6] Moreover, the disclosure in the Specification does not specify how the local agent device refrains from contacting the monitoring center. Thus, we interpret this limitation broadly, but reasonably, to encompass any situation where the local agent device does not contact the monitoring center after a detected standard event.

In rejecting claim 25, the Examiner relies on Trundle, which teaches the use of a monitoring system control unit that differentiates between non-security activity and activity of interest. Ans. 85–86 (citing Trundle ¶¶ 44, 45, 63–67, 99, 100, and 105; Figs. 2, 3, 5, 7). For example, the system may configured such that certain events such as pet movement, for example, cause the system not to transmit information. Other more relevant events, on the other hand, such as human movement for example, result in communication between the monitoring system control unit and a remote system such as, a user device. Examiner explains that Trundle teaches that certain defined events cause the monitoring system to transmit information to a remote monitoring center (e.g., the monitoring application server 260 or the surveillance monitoring 252 in user device 250), while other defined events result in the system not transmitting information to the monitoring center. *Id.*

---

[6] Although we do not enter a new rejection for lack of written description, in the event of further prosecution, the Examiner may wish to consider whether a general statement that the local agent device may refrain from *any actions* is sufficient to support the local agent device refraining from the *specific* action of "contacting the monitoring center."

Appellant argues Trundle is deficient because "Trundle does not teach that the system performs a standard task without contacting a monitoring location." App. Br. 30.

We are not persuaded by Appellant's argument because it does not address the rejection and explanation provided by the Examiner. The Examiner relies on Trundle to show that it was known in the art of security systems to refrain from having the system contact an external entity in certain situations, and contacting the external entity in other situations. We agree with the Examiner's characterization of Trundle. In particular, Trundle describes differentiating between different types of events, and implementing different procedures in response to those events. Trundle ¶ 65 ("For instance, images of activity detected as being interesting are transmitted, whereas images of activity detected as being non-security activity are not transmitted."). The Examiner finds Trundle's non-security events correspond to the recited "standard event" and that the procedures implemented in response to non-security events correspond to the recited "standard procedure." Ans. 86–87. The Examiner explains that when these events occur, there is no contact with any monitoring center that takes place, as the system is configured to transmit no information whatsoever in response to these events. Ans. 87–88. We find this explanation reasonable in well supported by the record, and Appellant's argument does not explain why the Examiner's reasoning is insufficient to establish obviousness of claim 25. Accordingly, we sustain the rejection of claim 25 under 35 U.S.C. § 103(a), as well as that of claims 28 and 31 which recite the same limitation.

DECISION

We reverse the Examiner's rejection of claims 2, 3, 6, 8, 9, 11, 12, 15, 17, 18, 20, and 23–31 under 35 U.S.C. § 112, first paragraph.

We reverse the Examiner's rejection of claims 2, 3, 6, 8, 9, 11, 12, 15, 17, 18, 20, and 23–31 under 35 U.S.C. § 112, second paragraph.

We reverse the Examiner's rejection of claims 2, 3, 6, 8, 9, 11, 12, 15, 17, 18, 20, and 23–31 under 35 U.S.C. § 101.

We affirm the Examiner's rejections of claims 2, 3, 6, 8, 9, 11, 12, 15, 17, 18, 20, and 23–31 under 35 U.S.C. § 103(a).

Because we have affirmed at least one ground of rejection for each claim on appeal, we affirm the Examiner's decision to reject the claims. 37 C.F.R. § 41.50(a)(1).

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED