

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**

**Mail Stop Appeal Brief-Patents**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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

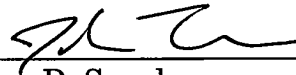
driver assistance system of Appellant's claim 1. Therefore, claim 11 is patentable over Naboulsi.

**CONCLUSION**

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

Respectfully submitted,

January 20, 2010

  
\_\_\_\_\_  
Jeffrey D. Sanok  
Registration No. 32,169  
John P. Teresinski  
Registration No. 59,621

CROWELL & MORING LLP  
Intellectual Property Group  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844  
JDS/JPT:cee