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EXAMINER
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte RAVI SUBRAMANIAN

Appeal 2010-008571
Application 11/179,356
Technology Center 2600

Before ALLEN R. MacDONALD, JASON V. MORGAN, and GEORGIANNA W. BRADEN, *Administrative Patent Judges*.

MacDONALD, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE

Introduction

Appellant appeals under 35 U.S.C. § 134 from a final rejection of claims 57, 58, 61-77, 79-89, and 92-98. We have jurisdiction under 35 U.S.C. § 6(b).

Exemplary Claim

Exemplary claim 77 under appeal reads as follows (emphasis added):

> 77. A method for despreading a received input data signal having a plurality of components comprising:
>
> providing, by a generator, a plurality of despreading codes,
>
> selecting, by a selecting circuit, at least one of said plurality of data signal components on a ***sample-by-sample*** basis; and
>
> modulating, by a modulator said selected at least one of said plurality of data signal components with a selected one of said plurality of despreading codes.

Rejections on Appeal [1]

The Examiner rejected claims 57, 58, 61-77, 79-89, 92, and 94 under 35 U.S.C. § 102(e) as being anticipated by Burns (US 6,470,000 B1). [2]

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[1] The Examiner also rejected claims 93 and 95-98 as being unpatentable under 35 U.S.C. § 103(a) over Burns alone. Separate patentability is not argued for claims 93 and 95-98. Except for our ultimate decision, these claims are not discussed further herein.

[2] Separate patentability is not argued for claims 57, 58, 61-77, 79-89, 92, and 94. Rather, Appellant merely repeats the same arguments for each of independent claims 57, 70, 77, and 88. While using an argument for patentability of a first claim as a cut-and-paste argument for a second claim might outwardly appear to be a separate argument for patentability of the

Appellants' Contention

Appellant contends that the Examiner erred in rejecting claim 77 because Burns does not teach operating on a sample-by-sample basis, but rather on a symbol-by-symbol basis. (App. Br. 10-13).

Issue on Appeal

Did the Examiner err in rejecting claim 77 because Burns fails to describe "a sample-by-sample basis"?

ANALYSIS

We have reviewed the Examiner's rejections in light of Appellant's contention (Appeal Brief and Reply Brief) that the Examiner has erred. We disagree with Appellant's conclusion.

Appellant's argument is inconsistent with their own specification, which places no limits on the length of the "samples" and explicitly states "[t]he devices shown in Figure 2B are multi-bit wide devices in the present embodiment, e.g., for performing multiply, accumulate, and sum operations on multi-bit entities, e.g., ***a bit word of any length***." (Spec. 11:32-34) (Emphasis added). Although Appellant presents a lengthy analysis of the symbol-by-symbol processing of Burns with voluminous citations to Burns, beyond conclusory statements we do not find in Appellant's analysis any specific explanation as to why symbol-by-symbol processing is precluded by the sample-by-sample language of Appellant's claim 77. Nor do we find

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second claim, such a cut-and-paste argument is not in fact an argument for "separate patentability." We select claim 77 as representative of claims 57, 58, 61-77, 79-89, 92, and 94. Except for our ultimate decision, claims 57, 58, 61-76, 79-89, 92, and 94 are not discussed further herein.

any attempt to present a precluding interpretation of the sample-by-sample term based on Appellant's specification. Thus, we concur with the findings of the Examiner.

CONCLUSIONS

(1) The Examiner has not erred in rejecting claims 57, 58, 61-77, 79-89, 92, and 94 as being anticipated under 35 U.S.C. § 102(e).

(2) The Examiner has not erred in rejecting claims 93 and 95-98 as being unpatentable under 35 U.S.C. § 103(a).

(3) Claims 57, 58, 61-77, 79-89, and 92-98 are not patentable.

DECISION

The Examiner's rejections of claims 57, 58, 61-77, 79-89, and 92-98 are affirmed.

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

AFFIRMED

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