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debbie.henn@philips.com
marianne.fox@philips.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JOHAN PAUL LINNARTZ

Appeal 2010-008678
Application 10/537,598
Technology Center 2600

Before KALYAN K. DESHPANDE, DAVID M. KOHUT, and BRYAN F. MOORE, *Administrative Patent Judges*.

DESHPANDE, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE¹

The Appellant seeks review under 35 U.S.C. § 134(a) of a final rejection of claims 1-8 and 10, the only claims pending in the application on appeal. We have jurisdiction over the appeal pursuant to 35 U.S.C. § 6(b).

We REVERSE.

Appellant invented a diversity receiver having cross coupled channel parameter estimation

An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below [bracketed matter and some paragraphing added]:

1. A diversity receiver comprising multiple antenna receiving branches, each of said multiple antenna receiving branches comprising estimating means for estimating at least a receiving channel parameter, wherein a first estimating means in one branch of the multiple antenna receiving branches is operatively connected to a second estimating means in a further branch of the multiple antenna receiving branches for using at least a part of the channel parameter estimate in the one branch as an aid for estimating at least a receiving channel parameter in the further branch.

REFERENCE

The Examiner relies on the following prior art:

Bottomley	US 5,787,131	Jul. 28, 1998
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¹ Our decision will make reference to Appellant's Appeal Brief ("App. Br.," filed Nov. 9, 2009) and the Examiner's Answer ("Ans.," mailed Mar. 8, 2010), and Final Rejection ("Final Rej.," mailed Jul. 8, 2009).

REJECTION

Claims 1-8 and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bottomley.

ISSUE

The issue of whether the Examiner erred in rejecting claims 1-8 and 10 under 35 U.S.C. § 102(b) as being anticipated by Bottomley turns on whether Bottomley describes “using at least a part of the channel parameter estimate in the one branch as an aid for estimating at least a receiving channel parameter in the further branch.”

ANALYSIS

Appellant contends that “there is no disclosure or suggestion [in Bottomley] of the estimating means in the further branch using at least a part of the channel parameter estimate in the one branch as an aid for estimating at least a receiving channel parameter in the further branch,” as per independent claims 1 and 8. App. Br. 12-14. We agree with Appellant. While we agree with the Examiner that Bottomley describes two channel estimators that are operatively coupled (Ans. 12-14), we find nothing in Bottomley that describes “at least a part of the channel parameter estimate in the one branch as an aid for estimating at least a receiving channel parameter in the further branch.”

The Examiner illustrates that manipulation of the equations disclosed by Bottomley and doing the matrix multiplication, we get:

$W_a = r_{11} \cdot c_a + r_{12} \cdot c_b$ is output of weight processor in the first estimating means show in Fig. 3 of Bottomley above, which is function of both C_a and C_b , which are the

channel tap associated with signals $r_a(n)$ and $r_b(n)$ shown in Fig. 3.

$W_b = r_{21} \cdot c_a + r_n \cdot C_b$ is output of weight processor in the second estimating means show in Fig. 3 of Bottomley above, which is function of both C_a and C_b , which are the channel tap associated with signals $r_a(n)$ and $r_b(n)$ shown in Fig. 3.

Ans. 14. However, we cannot ascertain from this finding of the Examiner how this disclosure in Bottomley describes that the channel parameter estimate for branch (a) is used as an aid in estimating the channel parameter for branch (b). The Examiner's findings illustrate that channel parameter estimates from multiple branches is used to determine a weighted value (Ans. 13-14), however, we agree with Appellant that "combined weights' are not 'at least a receiving channel parameter.'" App. Br. 14. As such, we agree with Appellant that Bottomley fails to describe "using at least a part of the channel parameter estimate in the one branch as an aid for estimating at least a receiving channel parameter in the further branch" and we do not sustain the rejection of independent claims 1 and 8.

Accordingly, we do not sustain the Examiner's rejection of dependent claims 2-7 and 10 for the same reasons. Since this issue is dispositive as to the rejection of these claims, we need not reach the remaining issues presented by Appellant.

CONCLUSION

The Examiner erred in rejecting claims 1-8 and 10 under 35 U.S.C. § 102(b) as being anticipated by Bottomley.

Appeal 2010-008678
Application 10/537,598

DECISION

To summarize, our decision is as follows.

- The rejection of claims 1-8 and 10 under 35 U.S.C. § 102(b) as being anticipated by Bottomley is not sustained.

REVERSED

ELD