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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/295,987	12/06/2005	Edward G. Tiedemann JR.	PA189AC1C3	9739
23696	7590	03/01/2013	EXAMINER	
QUALCOMM INCORPORATED			TRAN, PABLO N	
5775 MOREHOUSE DR.			ART UNIT	PAPER NUMBER
SAN DIEGO, CA 92121			2649	
			NOTIFICATION DATE	DELIVERY MODE
			03/01/2013	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte EDWARD G. TIEDEMANN, JR., JOSEPH P. ODENWALDER,
CHARLES E. WHEATLEY, III and ROBERTO PADOVANI

Appeal 2010-008753
Application 11/295,987
Technology Center 2600

Before ALLEN R. MacDONALD, KRISTEN L. DROESCH and JUSTIN
BUSCH, *Administrative Patent Judges*.

MacDONALD, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE

Introduction

Appellants appeal under 35 U.S.C. § 134 from a final rejection of claims 1-5. We have jurisdiction under 35 U.S.C. § 6(b).

Exemplary Claim

Exemplary claim 1 under appeal reads as follows (emphasis added):

Claim 1. A method for reducing delay associated with generating and processing a ***signal indicative of a characteristic of a propagation path*** between a first communication station and a second communication station, comprising:

transmitting the signal indicative of the characteristic to the first communication station along with power adjustment requests from the second communication station, wherein the characteristic includes a ***determined velocity characteristic of the second communication station***;

receiving the signal and the power adjustment requests at the first communication station;

setting a transmission power level at the first communication station in accordance with the received signal for a predetermined delay period;

modifying the adjusted transmission power level in accordance with the power adjustment requests if the predetermined delay period has ended.

Rejections

The Examiner rejected claims 1-5 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Reed (US 5,574,984) and Henriksson (US 5,128,965).¹

Appellants' Contention

Appellants contend that the Examiner erred in rejecting claim 1 under 35 U.S.C. § 103(a) because:

(1) “Reed teaches that any determination is of a change in velocity and such a change in velocity is neither transmitted nor received but is consumed at the station of determination” (App. Br. 12, emphasis omitted);

(2) “as defined in Reed, detection of Rayleigh fading merely results in ‘a fading signal representative of a change in subscriber speed’, i.e., acceleration and not a ‘determined velocity’ as claimed by Appellant.” (App. Br. 14, emphasis omitted); and

(3) “Reed clearly teaches that any change in velocity is determined and consumed or consumed in the determination of the ‘fading characteristic’ which is further consumed in the generation of a ‘request’ to the base station to adjust the base station’s transmit power level” (App. Br. 14).

ANALYSIS

We have reviewed the Examiner’s rejections in light of Appellants’ arguments (Appeal Brief and Reply Brief) that the Examiner has erred.

¹ Separate patentability is not argued for claims 2-5. Therefore, we treat claim 1 as representative for claims 2-5. Except for our ultimate decision, these claims are not discussed further herein.

We disagree with Appellants' conclusions. We adopt as our own (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken and (2) the reasons set forth by the Examiner in the Examiner's Answer in response to Appellants' Appeal Brief. We concur with the conclusions reached by the Examiner.

As to Appellants' above contention, we disagree that the Examiner has erred. We agree with the Examiner that "Reed disclose[s] that the base station receive[s] a fading characteristics signal (indicative characteristic) from the mobile station (see col. 6/ln. 59-col. 3/ln. 3), wherein the fading characteristic represent[s] a change in the subscriber'[s] mobile device speed or environment." (Ans. 4-5).

Further, Appellants' Specification states that as to the mobile station providing a signal indicative of a velocity characteristic, "it may provide that information as a power adjustment request signal in anticipation of a change in the quality of the propagation path." (Spec. 12-13). That is, any change in velocity is determined at the mobile station and consumed at the mobile station in the generation of a 'request' to the base station to adjust the base station's transmit power level, which request is an indication to the base station of a velocity change, (i.e., velocity characteristic).

CONCLUSIONS

- (1) The Examiner has not erred in rejecting claims 1-5 as being unpatentable under 35 U.S.C. § 103(a).
- (2) Claims 1-5 are not patentable.

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DECISION

The Examiner's rejection of claims 1-5 is 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

ELD