UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/855,022	05/27/2004	Stefan Berndt	2003P05520US	8777

7590 01/30/2013

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER	
DENNISON, JERRY B	
ART UNIT	**PAPER NUMBER**
2443	

MAIL DATE	DELIVERY MODE
01/30/2013	PAPER

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte STEFAN BERNDT, THOMAS HANNA,
THORSTEN LAUX, STEFFEN RUSITSCHKA,
CHRISTIAN SCHEERING, and ALAN SOUTHALL

Appeal 2011-000095
Application 10/855,022
Technology Center 2400

Before MAHSHID D. SAADAT, JASON V. MORGAN, and JOHNNY A. KUMAR, *Administrative Patent Judges*.

KUMAR, *Administrative Patent Judge*.

DECISION ON APPEAL[1]

[1] An oral hearing for this appeal was held January 17, 2013.

STATEMENT OF CASE

Introduction

Appellants appeal under 35 U.S.C. § 134(a) from a final rejection of claims 33-51. Claims 1-32 have been cancelled. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Exemplary Claims

Exemplary claims 33, 34, 42, and 45 under appeal read as follows:

> 33. A method for registering a terminal device on a communications node in a communications network, the communications network comprising a plurality of communication nodes, the method comprising:
>
> registering the communication nodes in an information memory, each communication node having at least one access parameter that is stored in the information memory;
>
> providing at least one terminal device with access to the information memory such that the at least one terminal device is able to receive information from the information memory;
>
> the information memory transferring the at least one access parameter of at least one of the communication nodes to the at least one terminal device; and
>
> registering the at least one terminal device with a first communication node such that the at least one terminal device registers with the first communication node based on the at least one access parameter received from the information memory.
>
> 34. The method of claim 33 further comprising providing a service configured to communicate with the communication nodes and the at least one terminal device, the service accessing data stored in the information memory, identifying a preferred communication node for the at least one terminal device and

communicating an identification for that preferred communication node to the at least one terminal device such that the at least one terminal device attempts to register with the preferred communication node.

42. The method of claim 34 further comprising, the at least one terminal device attempting registration with other communication nodes in the event registration with the first communication node fails or the first communication node fails after the at least one terminal device is registered with the first communication node.

45. An apparatus for registering a terminal device on a communications node in a communications network comprising:

an information memory configured to communicate with communication nodes and terminal devices, the information memory having at least one access parameter for each communication node, the information memory configured to periodically update the at least one access parameter via communications with the communication nodes; and

the information memory configured to transmit the at least one access parameter of the communication nodes to a terminal device such that the terminal device is registerable with at least one of the communication nodes.

Rejections on Appeal

The Examiner rejected claims 33-35, 39-47, and 50 under 35 U.S.C. § 102(b) as being anticipated by Narvanen (US 7,420,964 B2, Sep. 2, 2008) (Ans. 3-11).

The Examiner rejected claims 36-38, 48, 49, and 51 under 35 U.S.C. § 103(a) as being unpatentable over Narvanen in view of Fangman (US 2002/0141352 A1, Oct. 3, 2002) (Ans. 11-14).

Appellants' Contentions

1. Appellants contend that the Examiner erred in rejecting claim 33 because Narvanen does not teach the claimed "registering the communication nodes in an *information memory*, each communication node having at least *one access parameter that is stored in the information memory*." App. Br. 8-9; Reply Br. 1-2 (emphasis ours).

2. Appellants contend that the Examiner also erred in rejecting claim 34 because Narvanen does not teach the claimed "*service* configured to communicate with the communication nodes and the at least one terminal device, the *service…identifying a preferred communication node*." App. Br. 10-11; Reply Br. 2-4 (emphasis ours). In particular, Appellants contend that the "mobile terminal [in Narvanen] is *subsequently informed* that its 'connection request' was accepted and that it 'can start to make GPRS [general packet radio service] service requests in the office system.'" Reply Br. 3 (emphasis ours).

3. Appellants contend that the Examiner also erred in rejecting claim 42 because Narvanen does not teach the claimed "at least one terminal device attempting *registration* with other communication nodes." App. Br. 11-12; Reply Br. 4 (emphasis ours). In particular, Appellants contend that in Narvanen a "mobile station is not being registered with any particular node." Reply Br. 4.

4. Appellants contend that the Examiner also erred in rejecting claim 45 because Narvanen does not teach the claimed "the information memory configured to *periodically update* the at least one access parameter via communications with the communication nodes." App. Br. 12-13 (emphasis ours). Appellants acknowledge that the "lone *update* the HLR

[home location register] performs is a location area *update*, which is performed only if the IMEI [international mobile equipment identity] check of the mobile terminal shows that that terminal has proper access rights for the network." Reply Br. 6 (emphasis ours) (citing, Narvanen, col. 9, ll. 17-32). But Appellants cite to Narvanen, col. 8, ll. 55-57 to contend that Narvanen's update is "not a periodic update, it only occurs once." Reply Br. 7.

Issues on Appeal

1. Did the Examiner err in rejecting claims 33-35, 39-47, and 50 as being anticipated because Narvanen fails to teach the argued limitations?
2. Did the Examiner err in rejecting claims 36-38, 48, 49, and 51 as being obvious over Narvanen and Fangman?

ANALYSIS

We have reviewed the Examiner's rejections in light of Appellants' arguments that the Examiner has erred. We disagree with Appellants' above contentions 1-4. With regard to claims 33-51, 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. We highlight and address specific findings and arguments for emphasis as follows.

Appellants did not challenge the Examiner's factual findings about Fangman on pages 12-14 of the Answer. We will take those findings as conceded by Appellants.

As to Appellants' above contention 1, Appellants have not provided an explicit definition of "information memory" or "access parameters" in their Specification. The Specification discloses:

> The *information memory DB is a database* which the components of the communications network can access. Although the information memory DB is shown in Fig. 1 as a separate device, the functionality of the information memory DB can also be performed by other network components. In particular, it is also possible for the *information memory DB to be a "distributed" information memory DB, i.e. a database whose components are distributed among different network components*.

Spec. ¶ [0029] (emphasis ours).

The Specification also discloses:

> The *access parameters* of the communications nodes KN1, KN2 in each case *comprise the network address of the communications nodes* KN1, KN2 in the data network LAN, which were allocated in each case to the communication node KN1, KN2 following its activation.

Spec. ¶ [0031] (emphasis ours).

Thus, according to Appellants' Specification, the information memory is a distributed database in which the components are distributed among different network components. Also, according to Appellants' Specification, access parameters include the address of the communications nodes. Although this disclosure is not limiting of the claimed invention, it provides context for which the phrases "information memory" and "access parameters" are interpreted.

> The Examiner found that Narvanen discloses:
>
> > the system tries to identify the mobile terminal MT, which means that the radio access gateway RAGW asks (520, Identity_Req) for *the IMEI (International Mobile Equipment Identity) code of the mobile station that is used to define an identity for each terminal.* The mobile station transmits the *IMEI code* of the mobile terminal MT to the radio access gateway RAGW-SGSN (522, Identity_Res) which transmits a request to check the *IMEI code* through the *location database LDB* and MAP gateway to the *home location register HLR* (524, 526, 528, Check_IMEI) . . . .

Narvanen, col. 9, ll. 17-26, and Fig. 5 (emphasis ours); *see* Ans. 10.

In other words, the location database LDB and the home location register HLR are distributed but linked together through the MAP gateway. Also, the IMEI code identifies each terminal.

Based on our review of Narvanen (col. 9, ll. 17-26, and Fig. 5) and consistent with the Examiner's stated position (Ans. 10), we interpret the claim language "information memory" using the broadest reasonable interpretation consistent with Appellants' disclosure – to include the location database LDB and the home location register HLR. *See In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997). In addition, we interpret the claim language "access parameters" using the broadest reasonable interpretation consistent with Appellants' disclosure – to include the IMEI code.

We are also not persuaded by Appellants' argument in the Reply Brief (page 2) that Narvanen "specifically requires a memory of the mobile terminal to *transmit an access code* of the mobile terminal, an IMEI code, *to a gateway* so that the gateway may register that terminal with the gateway" (emphasis ours), because claim 33 does not preclude transmitting the access code through a gateway.

Separately, we note that Appellants argue that Narvanen teaches away from the invention. However, Appellants fail to set forth appropriate reasoning to support this argument. A reference "teaches away" when it suggests that the developments flowing from its disclosures are unlikely to produce the objective of the Appellants' invention. *See In re Gurley*, 27 F.3d 551, 553 (Fed. Cir. 1994). Appellants fail to present any persuasive arguments as to how the teachings of Narvanen would be unlikely to produce the objective of Appellants' invention.

As to Appellants' above contention 2, we disagree with Appellants' arguments. Narvanen explicitly discloses using a service, the General Packet Radio Service (GPRS). (Col. 3, ll. 17-40).

With regard to a "preferred communication node," Appellants did not explicitly define the term "preferred communication node" in the Specification. We thus agree with the Examiner (Ans. 15-16) that Narvanen's "new serving support node" equates to the claimed "preferred communication node." *See also* col. 9, ll. 40-42. Also, Appellants do not point to anything in the claims or Specification or present persuasive evidence or argument that precludes this interpretation. Appellants' argument (Reply Br. 3 and 4) that the "mobile terminal is subsequently informed that its 'connection request' was accepted" is unpersuasive because it is not commensurate with the scope of claim 34, which does not preclude subsequently informing.

As to Appellants' above contention 3, we disagree with Appellants' arguments. Narvanen explicitly discloses that the "mobile station is registered to the office network." Col. 12, ll. 54-55; *see also* Ans. 9.

As to Appellants' above contention 4, the Examiner did not rely on Col. 8, ll. 55-57 of Narvanen to teach the "periodically update" limitation. Rather, the Examiner relied on Col. 9, ll. 43-47 of Narvanen which discloses updating location information of authorized terminals. (Ans. 17). Thus, the "periodically update" limitation is met each time a "location area update" is performed.

Accordingly, we sustain the Examiner's rejections of claims 33-35, 39-47, and 50. We also sustain the rejection of dependent claims 36-38, 48, 49, and 51 because Appellants argue the patentability of these claims based on the same arguments presented for claims 33-35, 39-47, and 50 (*see* App. Br. 15-16), which we found to be unpersuasive.

CONCLUSIONS

(1) The Examiner did not err in rejecting claims 33-35, 39-47, and 50 under 35 U.S.C. § 102(b) as being anticipated by Narvanen.

(2) The Examiner did not err in rejecting claims 36-38, 48, 49, and 51 under 35 U.S.C. § 103(a) as being unpatentable over Narvanen in view of Fangman.

(3) Claims 33-51 are not patentable.

DECISION

The Examiner's rejection of claims 33-51 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

msc