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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte HIRONARI MASUI, YASUO OHGOSHI, TAKASHI YANO, and
NOBUKAZU DOI

Appeal 2011-000542
Application 11/798,659
Technology Center 2400

Before DEBRA K. STEPHENS, KALYAN K. DESHPANDE, and
LARRY J. HUME, *Administrative Patent Judges*.

STEPHENS, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) (2002) from a final rejection of claims 1, 3, and 4. We have jurisdiction under 35 U.S.C. § 6(b). Claim 2 has been canceled.

We AFFIRM.

Introduction

According to Appellants, the invention relates to a mobile communication system and a communication method which employs reservation based access control. (Spec. 3, ¶[0009]). Each of a plurality of radio terminals that has a transmission request, transmits a reservation packet at arbitrary timing through a reservation channel in accordance with a CDMA scheme, and a base station assigns a traffic channel and a time slot to be used to each radio terminal requesting a reservation through a reply packet outputted onto a reply channel. (Abstract).

STATEMENT OF THE CASE

Exemplary Claim

Claim 1 is an exemplary claim and is reproduced below:

1. A communication method in a radio communication system, wherein a base station and a plurality of radio terminals communicate in radio channels, said method comprising the steps of:

transmitting a reservation using Code Division Multiple Access (CDMA) from one of said plurality of radio terminals requesting data transmission;

receiving a reply from the base station,
corresponding to the reservation, in the one radio terminal;
and

transmitting a data packet, from the one radio
terminal, in response to the reply,

wherein a single data packet is transmitted from the
one radio terminal in response to a single reply packet,

wherein a single reservation is transmitted from the
one radio terminal for the single data packet, and

wherein the reply from the base station includes at
least a portion of the reservation transmitted from the one
radio terminal.

Reference

Budin US 5,276,703 Jan. 4, 1994

Rejection

Claims 1, 3, and 4 stand rejected under 35 U.S.C. § 103(a) as being
unpatentable over Budin.

ISSUE

35 U.S.C. § 103(a): claims 1, 3, and 4

Appellants assert their invention is not obvious over Budin because
Budin fails to disclose “the reply including at least a portion of the
reservation transmitted from the one radio terminal, and a single reservation

is transmitted from the one radio terminal for a single data packet” (App. Br. 6). Specifically, Appellants assert Budin discloses an explicit identifier is used to join the network – not make reservations for transmitting one or more data packets (App. Br. 8). Appellants contend Budin’s base station (hub unit or HU) does not transmit a reply including a portion of the transmitted reservation, but instead transmits a BUSY code that does not contain any part of the reservation (TRC) transmitted by the radio terminal (subscriber unit or SU) (App. Br. 7; Reply Br. 3). Additionally, Appellants argue the radio terminal does not transmit a single reservation for a single data packet since the radio terminal sends a TRC transmission, which is responded to by the base station with a BUSY code, and followed by an UPTYPE transmission and a SOP code before a data packet can be transmitted (*id.*). Thus, according to Appellants, multiple reservation messages are transmitted before a single data packet is transmitted (App. Br. 7 and 8).

Appellants further argue Budin does not disclose a reservation transmitted using CDMA, although acknowledging Budin does describe use of direct sequence spread spectrum (DSSS) (App. Br. 10).

Issue: Has the Examiner erred in finding Budin teaches or suggests transmitting a reservation using CDMA “wherein a single reservation is transmitted from the one radio terminal for the single data packet, and wherein the reply from the base station includes at least a portion of the reservation transmitted from the one radio terminal” as recited in claim 1?

ANALYSIS

Initially, we note Appellants have not explicitly defined “reservation” or “packet” in their Specification. Based on our review, we are not persuaded the Examiner erred. Instead, we agree with the Examiner’s findings (Ans. 3-6). The Examiner has cited Budin, column 8, ll. 26-31 as teaching or suggesting the reply including at least a portion of the reservation transmitted from the one radio terminal (Ans. 3-5). We agree with the Examiner that Budin teaches or at least suggests an HU identifying which SU is transmitting, and an SU identifying HU transmissions intended for it from an explicit identifier in the transmission (col. 8, ll. 26-31).

We are not persuaded that if the SU identifier were to be added to the TRC, then the time slot length would need to increase in direct contrast to the expressed intention of Budin (Reply Br. 2). Budin provides advantages as compared with prior art systems (col. 9, ll. 10-18); however, contrary to Appellants’ assertions, Budin does not require packets of a certain size. Instead, Budin teaches some typical formats.

Therefore, Appellants have not persuaded us the Examiner erred in finding Budin teaches or suggests “wherein a single reservation is transmitted from the one radio terminal for the single data packet, and wherein the reply from the base station includes at least a portion of the reservation transmitted from the one radio terminal.”

Accordingly, we are not persuaded the Examiner erred in finding Budin teaches or suggests the invention as recited in independent claim 1, and dependent claims 3 and 4, not separately argued. Therefore, the

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Examiner did not err in rejecting claims 1, 3, and 4 under 35 U.S.C. § 103(a) for obviousness over Budin.

DECISION

The Examiner's rejection of claims 1, 3, and 4 under 35 U.S.C. § 103(a) as being unpatentable over Budin 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) (2011).

AFFIRMED

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