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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte XUECHENG QIAN

Appeal 2015-002432
Application 12/809,083
Technology Center 2600

Before JEFFREY S. SMITH, BRUCE R. WINSOR, and
ADAM J. PYONIN, *Administrative Patent Judges*.

SMITH, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the rejection of claims 1, 2, 4–9, and 13, which are all the claims remaining in the application. Claims 3 and 10–12 have been canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Illustrative Claim

1. A method of allocating channels for a wireless communication local area network, with a system comprising a console and a plurality of nodes controlled by the console through wireless communication said method comprising:

connecting a first node in series with said console and a second node via connecting means;

sending by said console a trigger signal to the first node through said connecting means;

receiving by said console a first response signal sent by the first node in response to said trigger signal to determine that the first node is available;

allocating by said console a first wireless channel for wireless communication between the console and the first node; and sending information by said console including the allocation of the first wireless channel to the first node; and

sending by said first node the trigger signal to the second node through said connecting means after confirming that allocation of the first wireless channel has been completed,

wherein said first wireless channel is allocated to the first node and a second wireless channel, separate from the first wireless channel, is allocated to the second node in order of series connection to said console.

Prior Art

Osako	US 6,717,515 B1	Apr. 6, 2004
Chung	US 2007/0210981 A1	Sept. 13, 2007

Examiner's Rejections

Claims 1, 2, 4–9, and 13 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Chung and Osako.

ANALYSIS

We adopt the findings of fact made by the Examiner in the Final Action and Examiner's Answer as our own. We concur with the conclusions reached by the Examiner for the reasons given in the Examiner's Answer. We highlight the following for emphasis.

Section 103 rejection of claim 9

Appellant's invention relates to a method for allocating channels in a wireless lighting network used for illumination control. Spec. 1:6–9. The nodes of the lighting network are connected in series, then a trigger signal is sent to trigger the nodes in turn, and a wireless channel is allocated to each of the nodes so as to enable a wireless communication with a console. Spec. 2:30–3:1. Since the nodes are connected in a linear order and are triggered in the same order, the physical locations of the triggered nodes are known or can be easily ascertained, and the correspondence between a wireless channel and the physical location of a respective node can be readily established. Spec. 3:1–5.

Claim 9 recites “an allocating unit configured to allocate in order of series connection a first wireless channel for wireless communication between the console and the first node and a separate second wireless channel for wireless communication between the console and the second node.” Appellant contends Osako does not disclose this limitation, because Osako does not disclose first and second wireless channels for wireless communication between a console and respective first and second nodes. App. Br. 7. However, the Examiner relies on Chung to teach a console communicating with a plurality of nodes through wireless communication (Final Act. 8) and Osako to teach allocating a separate channel to each of the nodes (Final Act. 9). Appellant’s contention does not address the Examiner’s combination.

Further, Appellant’s contention that Osako does not teach wireless communication between the console and nodes over respective wireless channels is inconsistent with column 2, lines 45–58; column 8, lines 40–48; and column 24, lines 10–56 of Osako. For example, Osako teaches “it is possible to conduct the communication between the mobile console MC and sensor units SU as a wireless communication.” Osako col. 24, ll. 10–12.

Appellant contends that Osako’s teachings in column 24 do not indicate that there is any allocation of separate infrared channels for the various sensors as taught by Figure 34 of Osako, because the wireless embodiment of column 24 does not communicate over a serial bus. Reply Br. 2–4. Appellant’s contention is inconsistent with column 24, lines 12–24 of Osako, which teach the console has a radio wave circuit connected to the

serial bus extending across the sensor array to enable radio communication between the console and sensor units.

Appellant contends Chung does not teach the first wireless channel for wireless communication between a first node and a console, and a separate second wireless channel for a second node as claimed. App. Br. 8. The Examiner finds that Paragraph 36 of Chung teaches dispatching a unique address to each light emitting device connected to a server through a wireless network interface, and Paragraph 18 suggests that dispatching addresses teaches allocating channels. *See* Advisory Act. 4. Appellant contends assigning individual addresses to lighting elements is not the same as allocating separate channels to nodes as claimed. App. Br. 9. However, Paragraphs 18 and 36 of Chung implicitly suggest that one of ordinary skill in the art would understand dispatching an address teaches allocating a channel. Chung's implicit suggestion is explicit in Appellants' Specification, which discloses "the specific network addresses (channels) can be easily allocated. . . ." Spec. 2:3. Chung's implicit suggestion is also explicitly taught in column 34 of Osako, which teaches assigning an address such as address channel 2; and in column 14, line 44, which teaches "the mode of channel (address) allocation." Thus we find reasonable the Examiner's determination that the cited references teach or suggest allocating wireless channels, as claimed.

We highlight that column 2 of Osako teaches that the connection between the several devices can be wired or wireless. Also, Paragraph 36 of Chung teaches the connection between the several devices can be wired or wireless. Appellant has not provided persuasive evidence to show allocating

channels as taught by both Osako and Chung, using wireless communication as taught by both Osako and Chung, was “uniquely challenging or difficult for one of ordinary skill in the art.” *See Leapfrog Enters., Inc. v. Fisher–Price, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007) (citing *KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. 398, 419 (2007)).

Appellant contends Chung already provides an arrangement which permits data communication between a server and LEDs. Reply Br. 4. According to Appellant, the Examiner does not explain why adding the teachings of Osako to the arrangement of Chung would achieve communication in a simple matter. *Id.* We highlight that Paragraph 36 of Chung teaches detecting a newly added lighting device, but does not explicitly teach how the newly added device is detected. The Examiner finds Figures 34, 35, and columns 31 and 32 of Osako teach detecting nodes with a triggering unit that sends trigger signals to the nodes and a receiving unit that receives response signals from the nodes. Final Act. 9; Ans. 13–14, 23–24. We find the teachings of Osako make explicit what is already implicitly suggested by Chung, namely, that each node in the network is detected by a device performing a node detecting method, such as that taught by Osako. Further, we highlight that Osako alone teaches all of the limitations recited in claim 9.

We sustain the rejection of claim 9 under 35 U.S.C. § 103.

Section 103 rejection of claims 1, 2, 4–7, and 13

Claim 1 recites a method of allocating channels, where several of the claimed functions, including sending a trigger signal, receiving a response,

allocating channels, and sending information, are performed “by said console.” According to Appellant, the Examiner has not explained how the combination of Chung and Osako teaches the several functions performed “by said console.” Reply Br. 5. Chung teaches the functions are performed by a server (Abstract) and Osako teaches the functions are performed by a console (Abstract). Appellant’s contention is inconsistent with the Abstracts of Chung and Osako.

We sustain the rejection of claim 1 under 35 U.S.C. § 103. Appellant does not provide arguments for separate patentability of claims 2, 4–7, and 13, which fall with claim 1.

Section 103 rejection of claim 8

Appellant contends the combination of Chung and Osako does not teach “allocating a first channel being used for wireless communication between the console and the first node,” as recited in claim 8. App. Br. 14. Appellant’s contentions are inconsistent with the teachings of Chung and Osako as discussed in our analysis of claim 9. *See* Ans. 13–14, 23–24.

Appellant contends the Examiner has not established a prima facie rejection for claim 8 because the Examiner has not mapped each word of claim 8 to the teachings of the prior art, but rather rejects claim 8 for being similar in scope to claim 9. *See* Reply Br. 5–6. We find that the Examiner has established a prima facie case. “[A]ll that is required of the [Patent] [O]ffice to meet its prima facie burden of production is to set forth the statutory basis of the rejection and the reference or references relied upon in a sufficiently articulate and informative manner as to meet the notice

requirement of [35 U.S.C.] § 132.” *In re Jung*, 637 F.3d 1356, 1363 (Fed. Cir. 2011). We find that the Examiner has met this burden. The Examiner explains how the cited portions of Chung and Osako teach the disputed limitations of claim 8. Ans. 22–26.

Appellants have not provided persuasive evidence or argument to rebut the Examiner’s prima facie case. *See Jung*, 637 F.3d at 1365-66 (citing *Ex Parte Frye*, 94 USPQ2d 1072 (BPAI 2010) (precedential)). Merely pointing out that claim 8 is not identical to claim 9 then asserting that the prior art fails to teach the limitations of claim 8 is not considered an argument for separate patentability. *See In re Lovin*, 652 F.3d 1349, 1357 (Fed. Cir. 2011).

DECISION

The rejections of claims 1, 2, 4–9, and 13 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). *See* 37 C.F.R. § 41.50(f).

AFFIRMED