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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MAIYURAN WIJAYANATHAN, NOUSHAD NAQVI, and CLAUDE JEAN-FREDERIC ARZELIER

Appeal 2015-004192
Application 12/855,540[1]
Technology Center 2400

Before HUNG H. BUI, JOHN F. HORVATH, and JOHN R. KENNY, *Administrative Patent Judges*.

BUI, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellants seek our review under 35 U.S.C. § 134(a) of the Examiner's Final Office Action rejecting claims 1–14, 22–35, and 37–46, which are all of the claims pending on appeal. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.[2]

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[1] According to Appellants, the real party in interest is Research In Motion Limited. App. Br. 2.

[2] Our Decision refers to Appellants' Appeal Brief filed October 17, 2014 ("App. Br."); Examiner's Answer mailed November 25, 2014 ("Ans."); Final Office Action mailed May 28, 2014 ("Final Act."); and original Specification filed August 12, 2010 ("Spec.").

STATEMENT OF THE CASE

Appellants' invention relates to "user equipment" ("UE") such as a mobile telephone "configured to detect an event of one of the UE changing routing area and the UE changing radio access technology from a long-term evolution (LTE) network to (1) a global system for mobile communications (GSM) evolution radio access network (GERAN) or (2) a universal mobile telecommunication system terrestrial radio access network (UTRAN), and, responsive to detecting the event, to deactivate one of a packet data protocol (PDP) context and an evolved packet system (EPS) bearer." Abstract.

Claims 1, 22, 33, 37, and 44 are independent. Claim 1 is illustrative of Appellants' invention, as reproduced with disputed limitations emphasized below:

> 1. A user equipment (UE) comprising:
> a processor configured to cause the UE to:
> activate one of a packet data protocol (PDP) context and an evolved packet system (EPS) bearer via a first access node using a first Internet Protocol (IP) version type;
> receive a message from a second access node during a handover from the first access node to the second access node; and
> *responsive to the message indicating a second IP version type, deactivate the one of the PDP context and the EPS bearer that is associated with the first IP version type.*

App. Br. 17 (Claims App.).

Examiner's Rejections and References

(1) Claims 1–14, 22, 33–35, and 37–46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over 3GPP Change Request Document, 3GPP TSG CT WG1 Meeting #57, San Antonio (TX), USA, February 9–19, 2009 ("D1"), 3GPP Change Request Document, 3GPP TSG CT WG4 Meeting #44, Los Angeles, USA, June 22–26, 2009 ("D2"), and 3GPP Change Request Document, 3GPP-SA WG2 Meeting #72, HangZhou, China, March 30 — April 3, 2009 ("D4[3]"). Final Act. 4–12.

(2) Claims 23–32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over D1, D2, D4, and Lind, US Publication 2009/025072 A1, published Oct. 8, 2009) ("Lind"). Final Act. 12–16.[4]

ANALYSIS

§ 103(a) Rejection of Claims 1–14, 22–35, and 37–46 based on D1, D2, and D4

With respect to independent claim 1, the Examiner finds D1 teaches user equipment (UE) comprising a processor configured to cause the UE to (1) "activate one of a packet data protocol (PDP) context and an evolved packet system (EPS) bearer via a first access node using a first Internet Protocol (IP) version type" and (2) "responsive to the message indicating a second IP version type, deactivate one of the PDP context and the EPS bearer that is associated with IP version type." Final Act. 4 (citing D1, §

[3] The Examiner and Appellants use this designation for this reference. Final Act. 4; Br. 12.
[4] The Examiner has withdrawn the rejection of claims 1–14, 22–35, and 37–46 under 35 U.S.C. § 112, first paragraph. *See* Pre-Brief Appeal Conference decision; Ans. 3.

6.1.3.1 & last two paragraphs). The Examiner also finds D2 discloses a similar feature, i.e., "deactivate at least one of a packet data protocol (PDP) context and an evolved packet system (EPS) bearer that are associated [specifically] with a second IP version type." *Id.* at 4 (citing D2, § 7.3.2).

The Examiner acknowledges D1 and D2 fail to disclose "receiving a message from a second access node during a handover from the first access node to the second access node," but relies on D4 for this missing feature in order to support the conclusion of obviousness. *Id.* at 5 (citing D4, § 5.5.2.1.3).

Appellants dispute the Examiner's factual findings regarding D1, D2, and D4, but do not challenge the Examiner's rationale for making the combination. In particular, Appellants acknowledge D1 teaches (1) "**the network** shall override the PDP request by the MS to a single PDP type" and (2) "the PDP Type filed is overridden during PDP context **activation**." App. Br. 13 (citing D1, § 6.1.3.1 & last two paragraphs). However, Appellants argue "the function of 'overriding the PDP' being performed by the network in D1 is not equivalent to deactivating a PDP context" and, as such, "D1 fails to disclose that the UE, 'responsive to the message indicating a second IP version type, deactivates one of the PDP context and the EPS bearer that is associated with IP version type." *Id.*

Appellants also argue "D2 is directed solely to the interactions between an SGSN and GGSN, which are **network elements** —not a UE to which claim 1 is directed" and, as such, does not teach "a UE 'deactivating the one of the PDP context and the EPS bearer that is associated with the first IP version type." *Id.* at 14 (citing D2 § 7.3.1, p. 4, last two paragraphs). Lastly, Appellants argue "while D4 appears to disclose that a UE receives

'[a] HO from E-UTRAN Command' . . . D4 is completely silent as to a UE deactivating a PDP context, whether during a handover or not." *Id.* at 15 (citing D4 § 5.5.2.1.3–1).

We are not persuaded the Examiner erred. Instead, we agree with the Examiner that the cited references teach all the limitations of claim 1. Final Act. 3–4; Ans. 3–6 (citing D1, § 6.1.3.1; D2 § 7.3.1; D4 § 5.5.2.1.3–1). As such, we adopt the Examiner's findings and explanations provided therein. *Id.* For example, D1, D2, and D4 each describe proposed change requests to the existing 3GPP Specification covering all GSM (including GPRS and EDGE), LTE radio access network (RAN), or UMTS Terrestrial RAN (UTRAN). All three cited references disclose (1) PDP context activation, i.e., when a PDP context is established between the UE and the network, and (2) handover procedure. *See* D1 § 6.1.3.1; D2 § 7.3.1; D4 § 5.5.2.1.3. Contrary to Appellants' arguments, D2 clearly discloses deactivating the PDP context that is associated with an IP version type. Ans. 4 (citing D2 § 7.3.5). Similarly, D4 clearly discloses a handover message between the first access node and the second access node. Ans. 5 (citing D4 § 5.5.2.1.3; handover command message between source MME and the source eNodeB).

For these reasons and in the absence of Appellants' rebuttal of the Examiner's factual findings and explanations, we sustain the Examiner's obviousness rejection of independent claim 1 and similarly, independent claims 22, 33, 37, and 44 and their respective dependent claims 2–14, 23–32, 34, 35, 38–43, 45, and 46, which Appellants do not argue separately. App. Br. 15.

CONCLUSION

On the record before us, we conclude Appellants have not demonstrated the Examiner erred in rejecting claims 1–14, 22–35, and 37–46 under 35 U.S.C. § 103(a).

DECISION

As such, we AFFIRM the Examiner's final rejection of claims 1–14, 22–35, and 37–46.

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