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THE FARRELL LAW FIRM, P.C. 290 Broadhollow Road Suite 210E Melville, NY 11747			HO, THOMAS	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte WOO-JIN PARK, JIN-HYOUNG KIM, JIN-WOOK LEE, JE-
HYOK RYU, HUN LIM, SHIN-IL KANG, and GENE-MOO LEE

Appeal 2015-006197
Application 12/705,230
Technology Center 2400

Before JOHN A. JEFFERY, JEFFREY A. STEPHENS, and SCOTT E.
BAIN, *Administrative Patent Judges*.

JEFFERY, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's decision to reject claims 1, 2, 4–8, 10–14, and 16–24. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

STATEMENT OF THE CASE

Appellants' invention automatically connects a portable terminal and digital device wirelessly to enable a user to conveniently access a Wireless Local Area Network (WLAN). *See generally* Spec. 5–7. Claim 1 is illustrative:

1. A method for automatic wireless connection to a digital device in a portable terminal, comprising:
acquiring information about the portable terminal, the information being commonly used by the digital device and the portable terminal for the automatic wireless connection;
setting, by the portable terminal, a Wireless Local Area Network (WLAN) to an Ad-hoc mode;
automatically generating, by the portable terminal, a Service Set Identifier (SSID) of the WLAN using the acquired information about the portable terminal;
automatically generating, by the portable terminal, a security key of the WLAN using the acquired information about the portable terminal;
automatically generating, by the portable terminal, an Internet Protocol (IP) address for the WLAN using the acquired information about the portable terminal; and
wirelessly connecting, by the portable terminal, to the digital device using the IP address for the WLAN,
wherein the information about the portable terminal includes at least one of a phone number and an Electronic Serial Number (ESN) of the portable terminal.

THE REJECTIONS

The Examiner rejected claims 1, 2, 6–8, 10, 13, 14, 16–18, and 21–24 under 35 U.S.C. § 103(a) as unpatentable over Kawakami (EP 1,603,289 A1; Dec. 7, 2005) and Amin (US 6,167,261; Dec. 26, 2000). Final Act. 5–11.¹

¹ Throughout this opinion, we refer to (1) the Final Rejection mailed May 19, 2014 (“Final Act.”); (2) the Appeal Brief filed December 8, 2014 (“App. Br.”); (3) the Examiner’s Answer mailed April 6, 2015 (“Ans.”); and (4) the Reply Brief filed June 8, 2015 (“Reply Br.”).

The Examiner rejected claims 4, 5, 11, 12, 19, and 20 under 35 U.S.C. § 103(a) as unpatentable over Kawakami, Amin, Nath (US 2008/0064367 A1; Mar. 13, 2008), and Silvernail (US 2008/0137860 A1; June 12, 2008). Final Act. 11–14.

THE OBVIOUSNESS REJECTION OVER KAWAKAMI AND AMIN

The Examiner finds that Kawakami's automatic wireless connection method (1) acquires information about a portable terminal, namely stored provisional setting information, and (2) automatically generates, by the terminal, an SSID, security key, and IP address using the acquired information. Final Act. 5–6. Although the Examiner acknowledges that Kawakami's acquired information lacks a phone number or ESN, the Examiner cites Amin as teaching this feature in concluding that the claim would have been obvious. Final Act. 7.

Appellants argue that although Kawakami's terminal receives provisional setting information and generates setting information, including an SSID, key, and IP address, Kawakami is silent as to how they are generated, let alone by using information about the portable terminal that includes an ESN, as claimed. App. Br. 5–7; Reply Br. 1–3. Appellants add that although Amin's ESN is used in a telephone profile, the prior art is silent regarding transmitting or receiving an ESN, let alone applying such a transmission or reception to Kawakami's system as the Examiner proposes. App. Br. 6; Reply Br. 2–3.

ISSUES

(1) Under § 103, has the Examiner erred in rejecting claim 1 by finding that Kawakami and Amin collectively would have taught or suggested a portable terminal automatically generating an SSID, security key, and IP address for a WLAN using acquired information about the portable terminal, where the information includes at least one of a phone number and ESN of the terminal?

(2) Is the Examiner's proposed combination of these references supported by articulated reasoning with some rational underpinning to justify the Examiner's obviousness conclusion?

ANALYSIS

On this record, we are unpersuaded of error in the Examiner's rejection of claim 1 for the reasons indicated by the Examiner (Final Act. 5–7; Ans. 3–11)—a thorough and cogent analysis that we adopt as our own.

As the Examiner explains, Kawakami's terminal 14 receives provisional setting information 12 in Figure 3A, and automatically generates setting information 16 which, as shown in Figure 3B, includes an SSID, key, and IP address. Ans. 5 (citing Kawakami Abstract; ¶ 27); *accord* App. Br. 6 (acknowledging these three elements of Kawakami's generated setting information). Although Kawakami is short on specifics regarding how this setting information is generated, it is nonetheless generated *automatically* in response to receiving the provisional setting information. *See* Kawakami ¶ 27. Kawakami, then, at least suggests that terminal 11's provisional setting information is used to automatically generate terminal 14's setting information, particularly upon comparing this information in Kawakami's

Figures 3A and 3B. Although some elements, including the SSID, are the same in both figures as Appellants indicate (Reply Br. 3), Kawakami still at least suggests automatically *generating*—or *regenerating*—this duplicate information in Figure 3B responsive to receiving the provisional setting information in Figure 3A.

Even assuming, without deciding, that Kawakami uses only the provisional SSID to generate the SSID of the setting information as Appellants contend (App. Br. 6), nothing in the claim requires *using an ESN or phone number* to generate the SSID, key, or IP address. Although the claim requires using acquired information about the portable terminal to automatically generate these three elements, and an ESN or phone number is *included* in that information, the claim does not preclude using acquired terminal information *other than* the ESN or phone number to automatically generate the three elements. Although the ESN or phone number would be an adjunct to other acquired terminal data that is used in this automatic generation process, it is still part of the acquired information about the portable terminal under the Examiner's proposed combination. The Examiner's point in this regard (Ans. 8–9) is well taken.

Nor do we see any reason why an ESN or phone number could not be included in this acquired data for identification purposes as the Examiner proposes, particularly in light of *Amin*. Final Act. 7; Ans. 6–7. First, Appellants' theory that an ESN is allegedly unnecessary in Kawakami's infrared communications (Reply Br. 3) is unsubstantiated on this record and, therefore, has little probative value. *See In re Geisler*, 116 F.3d 1465, 1470 (Fed. Cir. 1997). Second, the Examiner's proposed enhancement to Kawakami, namely to include an ESN or phone number as suggested by

Amin, uses prior art elements predictably according to their established functions—an obvious improvement yielding a predictable result. *See KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. 398, 417 (2007).

Lastly, Appellants’ contention that Kawakami’s provisional setting information is not information “about the portable terminal” (App. Br. 6) is unavailing and not commensurate with the scope of the claim as the Examiner indicates. Ans. 10–11.

Therefore, for the reasons noted above and by the Examiner, we are not persuaded that the Examiner erred in rejecting claim 1, and claims 2, 6–8, 10, 13, 14, 16–18, and 21–24 not argued separately with particularity.

THE OTHER OBVIOUSNESS REJECTION

We also sustain the Examiner’s obviousness rejection of claims 4, 5, 11, 12, 19, and 20. Final Act. 11–14. Despite nominally arguing these claims separately, Appellants reiterate similar arguments made in connection with claim 1, and allege that the additional cited references fail to cure those purported deficiencies. App. Br. 8. We are not persuaded by these arguments for the reasons previously discussed.

CONCLUSION

The Examiner did not err in rejecting claims 1, 2, 4–8, 10–14, and 16–24 under § 103.

DECISION

The Examiner’s decision rejecting claims 1, 2, 4–8, 10–14, and 16–24 is affirmed.

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Application 12/705,230

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