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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte TINGTING GENG, SHUNQING ZHANG, WEI ZHANG, and
SHUGONG XU

Appeal 2015-006862
Application 13/596,749
Technology Center 2400

Before JAMES R. HUGHES, JUSTIN BUSCH, and
CATHERINE SHIANG, *Administrative Patent Judges*.

SHIANG, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 2–5, 14–17, 26, and 29–44, which are all the claims pending and rejected in the application.¹ We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

¹ Appellants' Notice of Appeal incorrectly identifies the claims that are appropriately the subject of the present appeal. *See* Notice of Appeal; App. Br. 11–16 (Claims Appendix). The Appeal Brief correctly identifies the claims. App. Br. 3.

STATEMENT OF THE CASE

Introduction

The present invention relates to communications. *See generally* Spec.

1. Claim 29 is exemplary:

29. A control method for multi-carrier frequency power amplifier resources, comprising:

 sending control signaling to a primary carrier frequency during a time slot that cannot be turned off;

 distributing service data among available working carrier frequencies during the time slot before any remainder of the service data is distributed to a subsequent time slot, and

 turning off the available working carrier frequencies after all of the remainder of the service data has been distributed and when the available working carrier frequencies are otherwise idle.

References and Rejections

Claims 2–5, 14–17, 26, and 29–31 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rezaiifar (US 2009/0285158 A1; published Nov. 19, 2009) and Yuk (US 2011/0159903 A1; published June 30, 2011).

Claims 32–44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rezaiifar, Yuk, and Wang (US 2013/0176988 A1; published July 11, 2013).

ANALYSIS

On this record, we find the Examiner did not err in rejecting claim 29.

We disagree with Appellants' arguments, and agree with and adopt the Examiner's findings and conclusions in (i) the action from which this

appeal is taken and (ii) the Answer to the extent they are consistent with our analysis below.²

I

Appellants contend Rezaiifar and Yuk do not collectively teach “sending control signaling to a primary carrier frequency during a time slot that cannot be turned off; distributing service data among available working carrier frequencies during the time slot *before any remainder of the service data is distributed to a subsequent time slot*,” as recited in independent claim 29 (emphasis added). *See* App. Br. 6–8; Reply Br. 2–5.

Appellants have not persuaded us of error. As explained below, Appellants fail to show error in the Examiner’s findings because they fail to address the Examiner’s specific findings. *See In re Baxter Travenol Labs.*, 952 F.2d 388, 391 (Fed. Cir. 1991) (“It is not the function of this court [or this Board] to examine the claims in greater detail than argued by an appellant, looking for [patentable] distinctions over the prior art.”).

First, Appellants argue Rezaiifar does not teach the disputed claim limitation, because “‘slot t’ in Sector Y *does not align* with the MAC and Pilot time slots in Sector X.” App. Br. 8. Appellants’ argument does not address the Examiner’s specific findings, as the Examiner “does not use Rezaiifar’s teachings in regards to sector X, but merely the teachings of sector Y in figure 4 (as related to sector Y).” Ans. 3.

Second, Appellants argue Yuk does not cure the alleged deficiency associated with Rezaiifar, because Yuk does not teach the italicized claim limitation. *See* App. Br. 8. Appellants’ argument is not directed to the

² To the extent Appellants advance new arguments in the Reply Brief without showing good cause, Appellants have waived such arguments. *See* 37 C.F.R. § 41.41(b)(2).

Examiner’s specific findings, as the Examiner relies on Rezaiifar—not Yuk—for teaching the italicized claim limitation. *See* Ans. 2–5.

Third, Appellants argue:

the Examiner interprets the MAC and Pilot transmission in Sector Y of *Rezaiifar* to be equivalent to the claimed “control signaling,” and interprets the “Data” in “Slot t” transmitted in the same Sector Y of *Rezaiifar* as being equivalent to the claimed “service data.” . . . However, this analysis provided by the Examiner is in clear error.

Reply Br. 4; *see also* Reply Br. 4–5. Appellants’ argument is not directed to the Examiner’s specific findings, as the Examiner does not map the claimed control signaling to *Rezaiifar*’s MAC and Pilot. Instead, the Examiner cites Yuk for teaching the claimed control signal, and maps the claimed “service data” to *Rezaiifar*’s MAC and Data. *See* Final Act. 17; Ans. 3–5; *Rezaiifar* Fig. 4.

II

Appellants contend *Rezaiifar* and Yuk do not collectively teach “turning off the available working carrier frequencies after all of the remainder of the service data has been distributed and when the available working carrier frequencies are otherwise idle,” as recited in independent claim 29. *See* App. Br. 8–9. In particular, Appellants contend in both references, the primary carrier frequency remains activated. *See* App. Br. 8–9.

Appellants have not persuaded us of error. In response to Appellants’ arguments, the Examiner explains:

[T]he claims merely state that “turning off the available working carrier frequencies” where those carrier frequencies refer to frequencies on which data was transmitted; the claims

Appeal 2015-006862
Application 13/596,749

do not state nor do they require that any and all carrier frequencies that exist in the system must be turned off. . . . [T]he fact that in Rezaiif[a]r and Yuk a primary carrier is not turned off does not prove that the combination does not teach “turning off the available working frequencies” as the Appellant argues.

Ans. 6–7.

Because Appellants do not respond to the Examiner’s above findings, Appellants fail to show error in the Examiner’s findings. *See Baxter Travenol Labs.*, 952 F.2d at 391.

Because Appellants have not persuaded us the Examiner erred, we sustain the Examiner’s rejection of independent claim 29.

For similar reasons, we sustain the Examiner’s rejection of independent claims 30 and 31.

We also sustain the Examiner’s rejection of corresponding dependent claims 2–5, 14–17, 26, and 32–44, which Appellants do not argue separately with substantive contentions.

DECISION

We affirm the Examiner’s decision rejecting claims 2–5, 14–17, 26, and 29–44.

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