UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/982,330	07/29/2013	Andreas Anulf	1009-0603 / P36269 US1	3695

102721 7590 02/21/2018		EXAMINER
Murphy, Bilak & Homiller/Ericsson		BHATTI, HASHIM S
1255 Crescent Green		
Suite 200	ART UNIT	PAPER NUMBER
Cary, NC 27518	2472	

NOTIFICATION DATE	DELIVERY MODE
02/21/2018	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Ex parte ANDREAS ANULF and OVE KARLSSON

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Appeal 2017-005567
Application 13/982,330
Technology Center 2400

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Before MAHSHID D. SAADAT, MARC S. HOFF, and
THU A. DANG, *Administrative Patent Judges.*

SAADAT, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellants[1] appeal under 35 U.S.C. § 134(a) from the Examiner's
Final Rejection of claims 25–53.[2] We have jurisdiction under 35 U.S.C.
§ 6(b).

We AFFIRM-IN-PART.

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[1] Appellants identify Telefonaktiebolaget LM Ericsson as the real party in
interest. Supp. App. Br. 2.
[2] Claims 1–24 have been previously canceled.

STATEMENT OF THE CASE

Introduction

Appellants' invention relates to a system for online charging within an IP Multimedia Subsystem that provides an announcement to a mobile user including information related to their account. Spec. 1:11–20, 2:1–3.

Exemplary claim 25 under appeal reads as follows:

> 25.   A method relating to online charging within an IP Multimedia Subsystem (IMS), the method comprising, at an IMS charging node:
>
> receiving a credit control request message from an IMS service network node over a service charging interface provided between the IMS service node and the IMS charging node;
>
> determining with reference to one or more triggering conditions that an announcement is to be provided to a user associated with the credit control request message or another user, or both; and,
>
> following such a determination, initiating an announcement service in the IMS service node by sending an announcement request in a credit control answer message over the service charging interface to the IMS service node, the credit control answer message being in response to the credit control request message, and the announcement request comprising announcement information relating to the announcement to be provided, wherein the announcement information comprises information concerning a content of the announcement to be provided.

The Examiner's Rejections

The Examiner rejected claims 25–53 under 35 U.S.C. § 103(a) as unpatentable over Cai (US 2008/123603 A1; May 29, 2008) and Hakala (IETF, RFC 4006, *Diameter Credit-Control Application*, Aug. 2005). Final Act. 2–10.

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The Examiner rejected claim 47 under 35 U.S.C. § 112, second paragraph as being indefinite. Final Act. 2.[3]

ANALYSIS

Independent Claims 25, 29, 46, and 47

In rejecting claims 25 and 46, the Examiner finds Cai discloses the recited element of "receiving a credit control request message from an IMS service network node over a service charging interface provided between the IMS service node and the IMS charging node." Final Act. 3. The Examiner further finds that Cai does not disclose, but Hakala discloses the steps of:

> determining with reference to one or more triggering conditions that an announcement is to be provided to a user associated with the credit control request message or another user, or both; and,

> following such a determination, initiating an announcement service in the IMS service node by sending an announcement request in a credit control answer message over the service charging interface to the IMS service node, the credit control answer message being in response to the credit control request message, and the announcement request comprising announcement information relating to the announcement to be provided, wherein the announcement information comprises information concerning a content of the announcement to be provided.

Supp. App. Br. 15 Specifically, the Examiner finds that Hakala teaches "announcement information comprises information concerning a content of

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[3] The Appeal Brief filed 5/3/2016 and Supplemental Appeal Brief filed 8/26/2016 do not address the 112, second paragraph rejection set forth in the Final Office Action. *See* Final Act. 2; Ans. 2. Since Appellants present no arguments pertaining to the Examiner's 112, second paragraph rejection, we summarily sustain the rejection. *See* MPEP § 1205.02, 9th ed., Rev. 07.2015, Nov. 2015.

the announcement to be provided" by disclosing a Credit-Control-Answer message including an address in the form of a SIP Uniform Resource Identifier. Final Act. 4 (citing Hakala 102, 103). The Examiner directs us to Hakala disclosing that "the Credit Control-Server responds with a Credit-Control-Answer, which includes Final-Unit-Redirect-Indication-AVP, **Redirect-Address-Type set to SIP URI** and **Redirect-Server-Address set to Top-up server.**" Ans. 10 (citing Hakala 102, 103). The Examiner further rejects independent claims 29 and 47 using a similar rationale. *See* Final Act. 5, 6. The Examiner further asserts that Hakala's URI address can correspond to the claimed "announcement information" because the specification defines "announcement information" as an address of the server. Ans. 9, 10 (citing Spec. 19:11–15).

Appellants argue that the combination of Cai and Hakala does not disclose "the announcement information comprises information concerning a content of the announcement to be provided," as recited in independent claim 25 and similarly recited in independent claims 29, 46, and 47. Supp. App. Br. 8–10. Specifically, Appellants argue that Hakala's SIP URI is not "information concerning a content of the announcement to be provided," because it is an address set to the Top-up server name and "is clearly not a reference to a particular item of content." *Id.* at 10. In other words, Appellants argue that Hakala's SIP URI address merely points to a server and not to any specific resource or announcement stored on that server.

Further, Appellants dispute the Examiner's assertion that the specification defines "announcement information" as an address of the server. Reply Br. 3–6. Appellants assert the specification states that "announcement information," may be comprised of three categories of

information: "information concerning when the announcement is to be provided," "information concerning who the announcement is to be provided to," and "information concerning a content of the announcement to be provided." *Id.* at 4. Appellants argue that although the specification states that "announcement information" may comprise an address, the claimed category of "information concerning a content of the announcement to be provided," as recited in claim 25, is described as "an announcement identifier or reference which can be used to look up predetermined content which is to make up at least part of the announcement to be provided. *Id.* at 3, 4 (citing Spec. 3:18–20).

The Examiner responds that, similar to the description of the announcement information as the address of an announcement server in Appellants' Specification, Hakala discloses announcement information in the form of a SIP URI set as the address of the Top-up server. Ans. 9, 10 (citing Spec. 19:11–15). Once Hakala's SIP URI is received, the SIP controller establishes a connection to the Top-up server using the SIP URI, and the Top-up server plays an announcement. *Id.* (citing Hakala 102, 103). Moreover, the Examiner explains that "[i]t is well known in the art that a URL or a URI can point out to a specific resource (announcement) on a server." Ans. 9, 10.

We are not persuaded by Appellants' argument. Although Appellants are correct in pointing out that their specification does not define announcement information as an address of a server (Reply Br. 4–7) and "it is the language of the claims that is relevant here, not the detailed examples provided in the Applicant's specification" (*id.* at 7), the language set forth in independent claim 25 and similarly recited in independent claims 29, 46, and

47 is not commensurate in scope with Appellants' argument. Claim 25 recites only that "the announcement information comprises information concerning a content of the announcement to be provided." Claims 25, 29, 46, and 47 do not, as Appellants suggest, require that announcement information refer to a specific item of content. *Id.* at 3. Hakala's SIP URI address concerns the content of the announcement to be provided because it identifies the Top-up server that plays an announcement to the user. Hakala 103. Hence, we agree with the Examiner that Hakala teaches information concerning a content of the announcement to be provided by disclosing a SIP URI pointing to the address of the Top-up server.

Therefore, we sustain the rejection of claims 25, 29, 46 and 47 under 35 U.S.C. § 103(a). We also sustain the rejection of claims 26, 30, 35–38, 41–45, and 48–53, which depend from claims 25, 29, 46 and 47 and are not separately argued.

Dependent Claims 27 and 28

Claim 27 depends from independent claim 25 and recites "in response to such a determination in the determining step, requesting the IMS service node to send the credit control request message, such that said receiving is performed following said determining." The determination step of claim 25 requires "determining with reference to one or more triggering conditions that an announcement is to be provided to a user associated with the credit control request message."

The Examiner finds that Hakala discloses the limitation of claim 27 as step 3 credit control (Final Act. 4 (citing Hakala 102, 103)) and further asserts "Hakala on page 102 discloses 'At the expiry of the allocated quota, the SIP controller sends a Diameter Credit-Control-Request . . .', in other

words, when the charging node determines that the allocated quota has been expired, it sends a Diameter Credit-Control-Request." *Id.* At 10. The Examiner explains that Hakala's step of determining the allocated quota is expiring and would be a triggering condition for sending a credit control request message that is received by the credit control server. Ans. 10, 11.

Appellants argue that "nothing in Hakala's Flow VII or the accompanying description suggests that an IMS charging node determines that an announcement is to be provided and then requests, <u>in response to this determination,</u> a credit control request." Supp. App. Br. 12. Specifically, Appellants argue that "Hakala does not discuss determining that an announcement is to be provided to a user <u>before</u> a credit control request message is sent," and that "Hakala does not discuss any determination regarding an announcement before the credit control request message is sent." Reply Br. 9.

We are not persuaded by Appellants' arguments. As found by the Examiner, Hakala discloses a determination that the allocated quota has expired. Ans. 10 (citing Hakala 102). Following the determination, a Diameter Credit-Control-Request is sent and a Diameter Credit-Control-Answer is provided that redirects the user to a Top-up server that plays an announce requesting replenishment of the user's account. *Id.* at 11. Hence, the determination that the allocated quota has expired triggers the credit control request message to be sent such that the receiving of the credit control request message follows the determining that the quota expired. *Id.* In light of Hakala's disclosure, we agree with the Examiner that determining the allocated quota has expired amounts to a triggering condition that an

announcement is to be provided and for requesting a credit control request
message to be sent.

Therefore, we sustain the rejection of claim 27 under
35 U.S.C. § 103(a). Claim 28 depends from claim 27 and is not separately
argued. Therefore, we similarly sustain the rejection of claim 28.

Dependent Claims 31–34

Claim 31 recites "the information concerning the content of the
announcement comprises an announcement identifier or reference which can
be used to look up predetermined content which is to make up at least part of
the announcement to be provided." The Examiner finds Hakala teaches this
limitation by disclosing a Redirect-Server-Address pointing to the Top-up
server name. Similar to the discussion above with respect to independent
claim 25, the Examiner explains that the Redirect-Server-Address "refers to
an address which comprises an announcement. The announcement is stored
on a server called Top-up server." Ans. 11.

Appellants contend Hakala's Redirect-Server-Address "is clearly a
reference to a server, but not a reference to an announcement" and "[u]nder
no reasonable interpretation can an 'announcement identifier or reference'
be understood as a reference to an entire server." Supp. App. Br. 12, 13.
Moreover, Appellants argue that the Top-up server name cannot be used to
look up predetermined content of an announcement to be provided to the
user. Reply Br. 10.

We are persuaded by Appellants' argument because the Examiner has
not sufficiently explained how Hakala's Redirect-Server-Address can be
used to look up predetermined content. The Examiner asserts that the
Redirect-Server-Address refers to an address which comprises an

announcement. Ans. 11. However, the Examiner does not adequately explain how Hakala teaches using the address of the Top-up server as an announcement identifier or reference which can be used to look up predetermined content.

Therefore, Appellants' arguments have persuaded us of error in the Examiner's position with respect to the rejection of claim 31. Accordingly, we do not sustain the 35 U.S.C. § 103(a) rejection of claim 31, claim 34, which recites similar limitations, and claims 32 and 33 dependent therefrom.

Dependent Claims 39 and 40

Claim 39 recites "a plurality of announcement requests is included in the credit control answer message, wherein a first announcement request of the plurality relates to a call setup announcement and a second announcement request of the plurality relates to an announcement at the end of the call." Claim 40 is broader than claim 39 and recites only that "a plurality of announcement requests is included in the credit control answer message."

The Examiner finds that Cai teaches a plurality of announcements including a pre-call and post-call notification. Final Act. 8, 9 (citing Cai ¶ 6). The Examiner further finds that although Cai does not explicitly disclose a plurality of announcement requests in a credit control answer message, Hakala discloses that an announcement request is included in a credit control answer message. *Id.* (citing Hakala 102, 103). The Examiner explains that Cai's pre-call, mid-call, and post-call announcements can include "one or more notification definitions," (announcements) and can be combined with Hakala's Credit-Control-Answer message to "include more than one announcement at different points in [a] session (pre-call and post-

call) and transmit it on a single CCA message disclosed in Hakala." Ans.
12.

Appellants contend Cai and Hakala do not teach "a plurality of
announcement requests is included in the credit control answer message," as
recited in claim 39 and similarly recited in claim 40. Specifically,
Appellants assert that Cai discloses "announcements that are provided at
completely different points in a session (e.g., pre-call and post-call), and
does not suggest that requests for these announcements could or should be
provided in a single message." Supp. App. Br. 13. In other words,
Appellants argue that Cai does not disclose a pre-call and post-call
announcement being sent in the same message as recited in claim 39. Reply
Br. 11. Appellants further contend Hakala discloses sending "messages
relating to a top-up - i.e., a replenishment of funds during or after a session,"
and there is no apparent reason why the person of ordinary skill in the art
would seek to modify Hakala to include a plurality of announcement
requests, such as a request for a pre-call announcement, in a credit control
answer message." *Id.* More specifically, Appellants argue there is no
apparent reason to include Cai's pre-call message in Hakala's Credit-
Control-Answer message because Hakala's Credit-Control-Answer message
is unrelated to Cai's pre-call messages as it deals only with replenishing
funds during or after a call. *Id.* Finally, Appellants assert that Cai only
discloses Credit-Control-Answer messages carrying information pertaining
to granted quotas and "does not suggest that multiple announcement requests
should be included in the CCA message." Reply Br. 11, 12.

With respect to claim 40, we are not persuaded by Appellants'
argument. The Examiner finds that Cai discloses sending a plurality of

announcement requests and that each of Cai's announcements may carry a plurality of announcements, described as notifications by Cai. Final Act. 8, 9 (citing Cai ¶ 6); Ans. 12 (citing Cai, Fig. 4). In explaining Figure 4, Cai states:

> In step **404**, session manager **304** identifies at least one notification definition for the triggering event from notification database . . . In step **406**, session manager **304** then provides notification to UE **314** of IMS subscriber **318** based on the one or more notification definitions identified for the triggering event. The notification may be a pre-session notification, a mid-session notification, or a post-session notification depending on the triggering event.

Cai ¶ 35, 36. Hence, Cai discloses that each pre-session, mid-session, and post-session notifications may be comprised of "one or more notification definitions." *Id.* In light of Cai's disclosure of multiple announcements and Hakala's disclosure of sending an announcement in a credit control answer message, we find that the combined teachings of Cai and Hakala teach "a plurality of announcement requests is included in the credit control answer message," as recited in claim 40. Therefore, we sustain the rejection of claim 40.

Claim 39 additionally recites "wherein a first announcement request of the plurality relates to a call setup announcement and a second announcement request of the plurality relates to an announcement at the end of the call." Here, we are persuaded by Appellants' argument. As argued by Appellants, "Cai describes announcements that are provided at completely different points in a session (e.g., pre-call and post-call), but Cai does not suggest that requests for these announcements could or should be provided in a single message." Reply Br. 11. In other words, although Cai discloses

sending a plurality of announcements at one time, Cai does not disclose the plurality of announcements including a call setup announcement and an end of call announcement sent at one time as required by claim 39. Hakala discloses sending a top-up announcement, but does not discloses ending a pre-call and post-call notification in a single message. *Id.*

Therefore, because Appellants' arguments have persuaded us of error in the Examiner's position with respect to the rejection of claim 39, we do not sustain the 35 U.S.C. § 103(a) rejection of claim 39.

DECISION

We reverse the Examiner's decision to reject claims 31–34, 39.

We affirm the Examiner's decision to reject claims 25–30, 35–38, and 40–53.

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-IN-PART