



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes application details for 14/483,718 and 16/759,759, and examination details for ULYSSE, JAELE M.

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

- ari@activekn.com
gil@activekn.com
taltiber@gmail.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte AVIV SALAMON and EYRAN LIDA

Appeal 2017-008021
Application 14/483,718
Technology Center 2400

Before ELENI MANTIS MERCADER, NORMAN H. BEAMER, and
ADAM J. PYONIN, *Administrative Patent Judges*.

MANTIS MERCADER, *Administrative Patent Judge*.

DECISION ON APPEAL
STATEMENT OF THE CASE

Appellants¹ appeal under 35 U.S.C. § 134(a) from the Examiner's
Final Rejection of claims 1–20. We have jurisdiction under 35 U.S.C.
§ 6(b).

We affirm.

¹ Appellants identify Valens Semiconductor Ltd., as the real party in interest
(App. Br. 3).

THE INVENTION

Appellants' claimed invention is directed to "indicating a configuration change of a communication link by replacing certain idle code words with bitwise complement code words" (Abstract).

Independent claim 1, reproduced below, is representative of the subject matter on appeal:

1. A communication link configured to indicate a configuration change by replacing certain idle code words with bitwise complement code words, comprising:

a transmitter comprising an encoder configured to encode a first frame, a basic idle sequence, and a second frame, wherein the first frame, the basic idle sequence, and the second frame comprise code words;

the transmitter further comprises an idle sequence modifier configured to produce an idle sequence by replacing certain M code words of the basic idle sequence with M bitwise complement code words; wherein each bitwise complement code word appears in the basic idle sequence; and

a receiver configured to receive the first frame, the idle sequence, and the second frame; wherein the basic idle sequence is known to the receiver; and

the receiver is further configured to identify a change in configuration of the communication link based on a difference between the idle sequence and the basic idle sequence.

REFERENCES

The prior art relied upon by the Examiner in rejecting the claims on appeal is the following:

Lund	US 2004/0156317 A1	Aug. 12, 2004
Zimmerman	US 2009/0125735 A1	May 14, 2009

REJECTION

The Examiner made the following rejection:

Claims 1–20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Zimmerman, in view of Lund. Final Act. 6.

ISSUE

The pivotal issue is whether the Examiner erred in finding that the combination of Zimmerman and Lund teaches or suggests

the transmitter further comprises an idle sequence modifier configured to produce an idle sequence by replacing certain M code words of the basic idle sequence with M bitwise complement code words; wherein each bitwise complement code word appears in the basic idle sequence,

as recited in independent claim 1, and similarly recited in independent claims 9 and 17.

ANALYSIS

We adopt the Examiner's findings in the Answer and Final Office Action and we add the following primarily for emphasis. We note that if Appellants failed to present arguments on a particular rejection, we will not unilaterally review those uncontested aspects of the rejection. *See Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential); *Hyatt v. Dudas*,

551 F.3d 1307, 1313–14 (Fed. Cir. 2008) (the Board may treat arguments Appellants failed to make for a given ground of rejection as waived).

Appellants argue Examiner error because Lund “refer[s] to data packets, which are not equivalent to idle words” (App. Br. 9 (emphasis omitted)) and “[i]dle packets include code words that are known to the receiver,” whereas “[d]ata packets include code words that are unknown to the receiver” (App. Br. 10–11) (emphasis omitted). Appellants contend that Lund’s description of “changing words in data packets (i.e. unknown[] symbols) [is] irrelevant and not equivalent to changing words in idle packets (i.e. known symbols)” (App. Br. 11) (emphasis omitted).

We are not persuaded by Appellants’ arguments. The Examiner finds, and we agree, that Lund’s encoding process is applied to a “word” that “may be a data word, control word or an idle word corresponding to a data packet, a control packet and an idle packet, respectively and may appear at any or multiple positions in the data packet” (Ans. 4, quoting Lund ¶ 24), and Lund further teaches that “[t]he enhanced encoding method employed by the encoder 300 may switch, reverse or change at least one of the three encoded data words E2, E3, E4 to the opposite running disparity” (Ans. 4, quoting Lund ¶ 34). The Examiner additionally finds, and we agree, that

one skilled in the art can use the encoder of Lund that has a functionality of replacing (change), switching and reversing words i.e. coded words, idle words, and symbols and the indication that the idle frame/sequence includes code words with bits or bitwise code word as motivated by to control running disparity with the controller/processor of Zimmerman that monitors idle symbols and the indication that the sync or idle frame may be supplemented or replaced with a restart code frame

(Ans. 12; *see* Ans. 7–12, citing, *inter alia*, Lund ¶¶ 10, 24, 51 and Zimmerman ¶ 47). Here, the Examiner’s articulated reasoning quoted above—combining Lund’s encoder to switch and reverse idle words with Zimmerman’s monitoring of idle frames—provides a rational underpinning to support the legal conclusion of obviousness. *See* Ans. 12; *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007). Appellants do not address and challenge this finding in the Reply Brief (*see* Reply Br. 2–3).

Appellants’ contention regarding the differences between idle packets and data packets is unsupported attorney argument and is non-persuasive given that Lund specifically teaches its encoding method is applicable to idle packets. *See, e.g., In re Geisler*, 116 F.3d 1465, 1470 (Fed. Cir. 1997) (attorney arguments or conclusory statements are insufficient to rebut a *prima facie* case).

Thus, we sustain the Examiner’s rejection of independent claim 1 and independent claims 9 and 17 not argued separately with particularity (*see* App. Br. 11), and dependent claims 2–8, 10–16, and 18–20 not argued separately (*see* App. Br. 8–11).

CONCLUSION

The Examiner did not err in finding that the combination of Zimmerman and Lund teaches or suggests

the transmitter further comprises an idle sequence modifier configured to produce an idle sequence by replacing certain M code words of the basic idle sequence with M bitwise complement code words; wherein each bitwise complement code word appears in the basic idle sequence,

Appeal 2017-008021
Application 14/483,718

as recited in independent claim 1, and similarly recited in independent claims 9 and 17.

DECISION

The Examiner's decision rejecting claims 1–20 is 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).

AFFIRMED