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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte RAMANUJA VEDANTHAM, JIUN-REN LIN, and XIAOLIN LU

Appeal 2017-009852
Application 14/519,990
Technology Center 2400

Before JAMES R. HUGHES, ERIC S. FRAHM, and MATTHEW J. McNEILL, *Administrative Patent Judges*.

FRAHM, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from a final rejection of claims 1–27. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

Appellants' application relates to operating a device that supports both wireless and wired communication by dynamically selecting the optimal link over which to transmit a packet. Spec. ¶ 18. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A wireless device, comprising:

a wireless transceiver configured for transfer of data packets via a wireless network;

a wired transceiver configured for transfer of data packets via a wired network;

medium switching logic that determines which of the wireless transceiver and the wired transceiver is to be used to transmit a data packet, the medium switching logic is configured to:

maintain a wireless network confidence rating value that is indicative of packet transfer reliability of the wireless network;

maintain a wired network confidence rating value that is indicative of packet transfer reliability of the wired network;

select one of the wireless transceiver and the wired transceiver to be used for initial transmission of the data packet based on which of the wireless confidence rating value and the wired confidence rating value is indicative of a higher likelihood of the packet being successfully transmitted; and

route the packet to the selected transceiver for transmission.

REFERENCES

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

Griffith	US 2002/0080774 A1	June 27, 2002
Dougherty	US 2006/0075124 A1	Apr. 6, 2006
Wu	US 2010/0202358 A1	Aug. 12, 2010
Van Wyk	US 2014/0036702 A1	Feb. 6, 2014
Kilpatrick	US 2015/0038156 A1	Feb. 5, 2015
Conant	US 9,001,787 B1	Apr. 7, 2015

REJECTIONS

The Examiner made the following rejections:

Claims 1, 6, 8, 10, and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wu and Conant.

Claims 2 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wu, Conant, and Kilpatrick.

Claims 3–5, 7, 12–14, 16, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wu, Conant, and Griffith.

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Wu, Conant, and Dougherty.

Claims 18–20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wu, Conant, Griffith, and Kilpatrick.

Claims 21–27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wu and Van Wyk.

ANALYSIS

The Examiner finds the combination of Wu and Conant discloses all the limitations of independent claim 1, including that Wu teaches "maintain a wireless network confidence rating value that is indicative of packet transfer reliability of the wireless network" and "maintain a wired network confidence rating value that is indicative of packet transfer reliability of the wired network," and that Conant additionally teaches these limitations. Final Act. 3–5. Appellants contend neither Wu nor Conant teaches a "confidence rating value that is indicative of packet transfer reliability of the wireless[/wired] network." App. Br. 10–11. We are persuaded by Appellants' arguments.

For disclosing the claimed "confidence rating value," the Examiner relies on Wu's paragraph 26 (Final Act. 4–5), which describes the following:

> Various methods, such as the method according to the state of network transmission or the method according to the preset look up table, can be used. For example, according to the packet transmission speed or bandwidth, the data from the base station 16 is distributed to be transmitted by either the wired network transmission unit 151 or the wireless network transmission unit 152.

Wu, ¶ 26. However, we find neither Wu's general description of "the state of network transmission" nor specific description of "packet transmission speed or bandwidth" discloses the claimed "confidence rating value that is indicative of packet transfer reliability." That is, the speed and bandwidth of packet transmission are both different from "packet transfer reliability," which relates to whether a packet is successfully received at a destination.

We also find Conant fails to cure the deficiency of Wu noted above. The Examiner cites various portions of Conant that describe switching between different networks, but those cited portions fail to teach using two different "confidence rating value[s] that [are] indicative of packet transfer reliability" as the basis for selecting a particular network, as required by claim 1. *See* Final Act. 5; Ans. 13; Conant, col. 2, ll. 14–23; col. 4, ll. 30–42; col. 6, ll. 19–34.

We are, therefore, constrained by the record to find the Examiner erred in rejecting independent claim 1, independent claims 10 and 17 (which recite commensurate limitations as claim 1), and dependent claims 2–9, 11–16, and 18–20.

Regarding independent claim 21, the Examiner relies on Wu for teaching the limitation "a confidence rating logic that computes and

maintains a wired network confidence rating value and a wireless network confidence rating value that are indicative of packet transfer reliability for the wired network and the wireless network respectively," and relies on Van Wyk for additional support in teaching this limitation. Final Act. 20–21; Ans. 30–32. As discussed above, we find Wu fails to teach the "confidence rating value" limitation. We also find Van Wyk fails to cure this deficiency of Wu. To wit, Van Wyk describes "routing communications based at least in part on the determined quality of the links" in a network of multi-protocol nodes, where the quality metrics include, for example, received signal strength. Van Wyk, ¶¶ 14, 21–22. However, the Examiner has not shown that a "confidence rating value . . . indicative of packet transfer reliability" is among the link quality metrics used by Van Wyk.

We are, therefore, also constrained by the record to find the Examiner erred in rejecting independent claim 21, and dependent claims 22–27.

CONCLUSION

The Examiner erred in rejecting claims 1–27 under 35 U.S.C. § 103(a).

DECISION

We reverse the Examiner's decision to reject claims 1–27.

REVERSED