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EXAMINER

MILLER, BRANDON J

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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* MIGUEL GRIOT and HARIS ZISIMOPOULOS

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Appeal 2018-003331  
Application 15/171,426  
Technology Center 2600

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Before ST. JOHN COURTENAY III, JENNIFER S. BISK, and  
STEVEN M. AMUNDSON, *Administrative Patent Judges*.

AMUNDSON, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants<sup>1</sup> seek our review under 35 U.S.C. § 134(a) from a final rejection of claims 1, 2, 4–11, 13–20, and 22–29, i.e., all pending claims.

We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

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<sup>1</sup> Appellants identify the real party in interest as Qualcomm Incorporated.  
App. Br. 3.

## STATEMENT OF THE CASE

### *The Invention*

According to the Specification, the invention “generally relates to wireless communication and, more particularly, to methods and apparatus for a user equipment (UE) reselecting a core network (CN).” Spec. ¶ 2.<sup>2</sup> The Specification explains that a UE “may take action to reselect from [a] first CN to a second CN to access a set of services not provided by the first core network” and “may transmit an establishment request message requesting the services desired.” *Id.* Abstract; *see id.* ¶¶ 7–15.

### *Exemplary Claim*

Independent claim 1 exemplifies the claims at issue and reads as follows (with formatting added for clarity):

1. A method for wireless communication by a user equipment (UE), comprising:
  - receiving information regarding a first set of services provided by a first core network; and
  - taking action to reselect from the first core network to a second core network to access a second set of services not provided by the first core network,
  - wherein taking the action comprises initiating a registration update, wherein the registration update does not indicate an identifier associated with the first core network.

App. Br. 13 (Claims App.).

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<sup>2</sup> This decision uses the following abbreviations: “Spec.” for the Specification, filed June 2, 2016; “Final Act.” for the Final Office Action, mailed April 28, 2017; “Adv. Act.” for the Advisory Action, mailed July 3, 2017; “App. Br.” for the Appeal Brief, filed September 28, 2017; “Ans.” for the Examiner’s Answer, mailed December 8, 2017; and “Reply Br.” for the Reply Brief, filed February 7, 2018.

*The Prior Art Supporting the Rejections on Appeal*

As evidence of unpatentability under 35 U.S.C. § 103, the Examiner relies on the following prior art:

Buckley et al. (“Buckley”)	US 2006/0245392 A1	Nov. 2, 2006
Allen et al. (“Allen”)	US 2009/0257417 A1	Oct. 15, 2009
Jeong et al. (“Jeong”)	US 2015/0098321 A1	Apr. 9, 2015
Li et al. (“Li”)	US 2015/0126190 A1	May 7, 2015

*The Rejections on Appeal*

Claims 1, 2, 7, 10, 11, 16, 19, 20, 25, 28, and 29 stand rejected under 35 U.S.C. § 103 as unpatentable over Buckley, Li, and Allen. Final Act. 3–9.

Claims 4–6, 8, 9, 13–15, 17, 18, 22–24, 26, and 27 stand rejected under 35 U.S.C. § 103 as unpatentable over Buckley, Li, Allen, and Jeong. Final Act. 9–12.

ANALYSIS

We have reviewed the § 103 rejections in light of Appellants’ arguments that the Examiner erred. For the reasons explained below, we concur with the Examiner’s conclusions concerning unpatentability under § 103. We adopt the Examiner’s findings and reasoning for the § 103 rejections in the Final Office Action (Final Act. 3–13), Advisory Action (Adv. Act. 2), and Answer (Ans. 2–5). We add the following to address and emphasize specific findings and arguments.

*The § 103 Rejection of Claims 1, 2,  
7, 10, 11, 16, 19, 20, 25, 28, and 29*

INDEPENDENT CLAIMS 1, 10, 19, AND 28

Appellants argue that the Examiner erred in rejecting independent claims 1, 10, 19, and 28 because “*Buckley, Li, and Allen*, either alone or in combination, fail to teach or suggest” the following (or an essentially identical) limitation in each claim: “wherein taking the action comprises initiating a registration update, wherein the registration update does not indicate an identifier associated with the first core network.” *See* App. Br. 7–10; Reply Br. 2–5.

Specifically, Appellants assert that in *Allen* “the UE performing an IMS [IP Multimedia Subsystem] registration to update service capabilities available to it upon moving from a first location (16-1) to a new, current location (16-2) is silent regarding taking action to **reselect** from a first core network to a second core network.” App. Br. 9; Reply Br. 4. Appellants also assert that in *Allen* “the IMS refresh registration may (1) provide an explicit indication that DTM/ICS [Dual Transfer Mode/IMS Centralized Service] is not supported or, (2) in an alternative embodiment, the UE may register without an explicit indication that DTM/ICS is not supported.” App. Br. 9; Reply Br. 3. For the alternative embodiment, Appellants urge that “the updated registration ‘without the explicit indication that DTM/ICS is not supported **at the location at which the UE is positioned**’ is silent regarding the first core network 16-1.” Reply Br. 4. According to Appellants, “[c]apabilities available in 16-2 are completely unrelated to 16-1.” App. Br. 10; Reply Br. 4.

Appellants' arguments do not persuade us of Examiner error because they attack the references individually, while the Examiner relies on the combined disclosures in the references to teach or suggest the disputed limitations. *See* Final Act. 3–9, 12–13; Adv. Act. 2; Ans. 2–4. Where a rejection rests on the combined disclosures in the references, an appellant cannot establish nonobviousness by attacking the references individually. *See In re Merck & Co.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986); *see also* Ans. 4 (citing *In re Keller*, 642 F.2d 413 (CCPA 1981), and *In re Merck & Co.*, 800 F.2d 1091 (Fed. Cir. 1986)).

Here, the Examiner correctly finds that Buckley discloses receiving information regarding a set of services provided by a core network and taking action to select a core network to access a set of services. *See* Final Act. 3, 5–8; Ans. 3; *see also* Buckley ¶¶ 3, 39, 44, Figs. 3–4. Further, the Examiner correctly finds that Li discloses taking action to reselect from a first core network to a second core network to access a desired set of services. *See* Final Act. 3, 5, 7–8; Adv. Act. 2; Ans. 3; *see also* Li ¶¶ 6, 27, 33, 40–42, Figs. 1–2. For example, Li explains that an International Mobile Subscriber Identity (IMSI) may “be used in identifying various access rights provided for the user in the mobile communication system,” e.g., access rights to various services in various systems. Li ¶¶ 6, 40. Li also explains that a mobile terminal may contain multiple IMSIs, e.g., IMSI1 and IMSI2. *Id.* ¶ 41. If the user “selects that a change is to be made from the first mobile communication system to the second mobile communication system,” the “change will then involve a switch from using the first subscriber identity IMSI1 to using the second subscriber identity IMSI2.” *Id.* ¶ 42.

In addition, the Examiner correctly finds that Allen discloses initiating a registration update where the registration update does not indicate an identifier associated with a first core network. *See* Final Act. 4–9, 12–13; Adv. Act. 2; Ans. 3–4; *see also* Allen ¶¶ 35, 49, Fig. 1. Allen explains that Dual Transfer Mode (DTM) “means that the UE has the capability to perform both Circuit Switched (CS) and Packet Switched (PS) type operations in a simultaneous or near simultaneous manner” and IMS Centralized Services (ICS) include “call waiting, call hold, and call forwarding.” Allen ¶¶ 4–5; *see id.* ¶ 38; *see also* App. Br. 9. Allen also explains that if a UE registered at a first core network supporting DTM/ISM enters an area covered by a second core network not supporting DTM/ISM, the UE performs a “refresh registration to update service capabilities available to it.” Allen ¶ 49, Fig. 1; *see* Final Act. 4, 6–7, 9, 12–13; Adv. Act. 2. The UE may perform the refresh registration “without an explicit indication” that “DTM/ICS is not supported” by the second core network. Allen ¶ 49; *see* Final Act. 4, 6–7, 9, 12–13; Adv. Act. 2.

As the Examiner correctly reasons, DTM/ICS “is a service known to be supported by the first core network” and “therefore associated the first core network.” Ans. 3 (emphasis omitted); *see* Adv. Act. 2. An “indication that DTM/ICS is not supported is a word, number, letter, symbol, or sequence of characters” associated with the first core network. Ans. 3; *see* Adv. Act. 2. When the UE performs the refresh registration “without an explicit indication” that “DTM/ICS is not supported” by the second core network, “the registration update does not indicate an identifier associated with the first core network” as required by the independent claims. *See* Adv. Act. 2; Ans. 3.

For the reasons discussed above, the combined disclosures in the references teach or suggest the disputed limitations in independent claims 1, 10, 19, and 28. *See* Final Act. 3–9, 12–13; Adv. Act. 2; Ans. 2–4; Buckley ¶¶ 3, 39, 44, Figs. 3–4; Li ¶¶ 6, 27, 33, 40–42, Figs. 1–2; and Allen ¶¶ 4–5, 35, 38, 49, Fig. 1. Appellants’ arguments have not persuaded us that the Examiner erred in rejecting them under § 103. Thus, we sustain the § 103 rejection of claims 1, 10, 19, and 28.

DEPENDENT CLAIMS 2, 7, 11, 16, 20, 25, AND 29

Appellants do not argue patentability separately for dependent claims 2, 7, 11, 16, 20, 25, and 29. App. Br. 7–10; Reply Br. 2–5. Thus, we sustain the § 103 rejection of these dependent claims for the same reasons as the independent claims. *See* 37 C.F.R. § 41.37(c)(1)(iv).

*The § 103 Rejection of Claims 4–6,  
8, 9, 13–15, 17, 18, 22–24, 26, and 27*

For dependent claims 4–6, 8, 9, 13–15, 17, 18, 22–24, 26, and 27, Appellants contend that “*Jeong* fails to overcome the shortcomings in the teachings of *Buckley*, *Li*, and *Allen*” for the independent claims. App. Br. 11; Reply Br. 5. As explained above, however, *Buckley*, *Li*, and *Allen* teach or suggest the disputed limitations in the independent claims. Thus, we sustain the § 103 rejection of these dependent claims for the same reasons as the independent claims. *See* 37 C.F.R. § 41.37(c)(1)(iv).



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DECISION

We affirm the Examiner's decision to reject claims 1, 2, 4–11, 13–20, and 22–29.

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). *See* 37 C.F.R. § 41.50(f).

AFFIRMED