



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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/573,628	12/17/2014	Suzann Hua	816181-US-NP	6623
22046	7590	02/28/2020	EXAMINER	
Nokia of America Corporation 600-700 Mountain Avenue Docket Administrator - Room 6E-264 Murray Hill, NJ 07974-0636			MANOHARAN, MUTHUSWAMY GANAPATHY	
			ART UNIT	PAPER NUMBER
			2645	
			NOTIFICATION DATE	DELIVERY MODE
			02/28/2020	ELECTRONIC

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):

narpatent@nokia.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SUZANN HUA and YIGANG CAI

Appeal 2018-004720
Application 14/573,628
Technology Center 2600

Before JOSEPH L. DIXON, HUNG H. BUI, and JON M. JURGOVAN,
Administrative Patent Judges.

DIXON, *Administrative Patent Judge.*

DECISION ON APPEAL
STATEMENT OF THE CASE

Appellant¹ appeals under 35 U.S.C. § 134(a) from a final rejection of claims 1–22. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

The claims are directed to systems and methods implementing a “Public Safety/Security UE [(user equipment)] communication framework for Proximity Services (ProSe) via presence information,” the communication framework enabling reciprocal discovery between UEs of PuSa (public safety) service providers (presentities). (Spec. ¶¶ 18–21; Title

¹ We use the word “Appellant” to refer to “applicant(s)” as defined in 37 C.F.R. § 1.42. The real party in interest is Alcatel-Lucent. Appeal Br. 3.

(capitalization altered.) In Appellant’s communication framework, a UE (e.g., a mobile computing device of a watcher presentity) directs its presence information—including “public-safety (PuSa) specific proximity-based services (ProSe) information”— toward a presence server (PS), and also directs to the PS a request to subscribe to PuSa-specific ProSe information of a target ProSe presentity, the request including a dedicated PuSa service ID. (Spec. ¶ 7; Abstract.) The mobile computing device may thereafter discover a UE of the target presentity on the condition that the PS returns the presence information of the target presentity. (Abstract.)

Independent claims 1 and 13, reproduced below, are illustrative of the claimed subject matter:

1. An apparatus, comprising:
 - a processor; and
 - a computer-readable nontransitory storage medium operably coupled to said processor and including instructions that when executed by the processor configure the processor to:
 - direct presence information toward a presence server (PS), the presence information including public-safety (PuSa) specific proximity-based services (ProSe) information; and
 - direct to the PS a request to subscribe to a target presentity’s PuSa-specific ProSe information, the request including a dedicated PuSa service identification (ID).

13. An apparatus, comprising:
 - a processor; and
 - a computer-readable nontransitory storage medium operably coupled to said processor and including instructions that when executed by the processor configure the processor to:

receive, from a target user equipment (UE),
presence information, including public-safety (PuSa)
specific proximity-based services (ProSe) information;

receive, from a watcher UE, a request to subscribe
to said presence information; and

direct said presence information to said watcher
UE on the condition that said watcher presentity is
determined to be a PuSa ProSe user based on PuSa
subscription rules.

(Appeal Br. 10–13 (Claims Appendix).)

REFERENCES

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

Bekiares et al. ("Bekiares")	US 2011/0161397 A1	June 30, 2011
Blankenship et al. ("Blankenship")	US 2014/0057667 A1	Feb. 27, 2014
Patel et al. ("Patel")	US 2014/0348066 A1	Nov. 27, 2014
Kim et al. ("Kim")	US 2015/0043429 A1	Feb. 12, 2015

REJECTIONS

The Examiner made the following rejections:

Claims 1–4, 7, 8, 10, and 11 stand rejected under 35 U.S.C.
§ 102(a)(2) as anticipated by Kim.

Claims 13, 16, 18, and 21 stand rejected under 35 U.S.C. § 102(a)(2)
as anticipated by Patel.

Claims 5 and 9 stand rejected under 35 U.S.C. § 103 as being
unpatentable over Kim in view of Bekiares.

Claims 6 and 12 stand rejected under 35 U.S.C. § 103 as being unpatentable over Kim in view of Blankenship.

Claims 14, 15, 19, and 20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Patel in view of Bekiares.

Claims 17 and 22 stand rejected under 35 U.S.C. § 103 as being unpatentable over Patel in view of Blankenship.

ANALYSIS

35 U.S.C. § 102 and § 103 Rejections of Claims 1–12

The Examiner, among other things, finds Kim discloses claim 1’s “presence information including public-safety (PuSa) specific proximity-based services (ProSe) information” directed toward a presence server, because (i) Kim’s UE-1 transmits a publication request message including P/P (presence/ProSe) publication information to publish presence information, (ii) Kim discloses “**the potential uses of ProSe includes public safety,**” and (iii) Kim’s UE is capable of performing communication using a public safety spectrum. (Ans. 2–4 (citing Kim ¶¶ 98, 190, 266, Fig. 12); Final Act. 2–3 (citing Kim ¶¶ 58–59); *see also* Kim ¶ 171 (explaining the notation “P/P”).)

The Examiner further finds Kim discloses the claimed “direct[ing] to the PS a request to subscribe to a target presentity’s PuSa-specific ProSe information,” because Kim’s UE-2 transmits a subscription request message for subscribing to a presence information notification service of UE-1. (Ans. 2 (citing Kim ¶¶ 270, 274, Fig. 12); Final Act. 2–3.) The Examiner additionally finds Kim discloses the claimed request including “a dedicated PuSa service identification (ID)” because Kim’s UEs provide subscriber

information, and “it is inherent that service subscription is being identified by the server from the subscription information.” (Ans. 2–3 (citing Kim ¶¶ 23, 28, 145); Final Act. 2–3 (citing Kim ¶¶ 17, 66).)

Having reviewed the evidence, we do not agree with the Examiner’s finding that Kim discloses “presence information including public-safety (PuSa) specific proximity-based services (ProSe) information,” “a request to subscribe to a target presentity’s PuSa-specific ProSe information,” and “the request including a dedicated PuSa service identification (ID),” as recited in claim 1. Rather, we agree with Appellant’s arguments that “the Office Action fails to identify [in Kim] proximity information that is ‘public-safety (PuSa) specific.’” (Appeal Br. 7.) As Appellant explains, Kim’s paragraphs 58 and 59 merely provide definitions of technical terms used in Kim’s specification, only referring to *public safety* in the context of the spectrum capability of Kim’s UE. (*Id.*) Kim’s paragraph 98 mentions “potential use cases of ProSe [that] may include . . . public safety” but does not explicitly disclose *public-safety specific information* being included in the presence information. (*See* Kim ¶ 98.) Kim’s paragraph 190 describes communication paths between UEs being determined based on “ProSe capability information of a UE” and “information about the location of UEs related to session setup, i.e., information about a specific cell, specific eNodeB or specific tracking area (TA) on which a corresponding UE is camped (for example, a location which is set by an operator to use ProSe for public safety.” (*See* Kim ¶ 190.) None of these portions of Kim disclose that presence information would include *public-safety (PuSa) specific information*, or that a target presentity has subscribable *PuSa-specific information*, as required by claim 1.

Kim also does not disclose Appellant’s claimed request to subscribe (to a target presentity’s PuSa-specific ProSe information) including a *dedicated PuSa service identification (ID)*. (Reply Br. 3–4; Appeal Br. 7–8.)² That is, although Kim describes communication peer identifiers and identity management of subscribers (*see, e.g.*, Kim ¶¶ 17, 66), Kim does not specifically disclose “a dedicated PuSa service identification” as claim 1 recites. (Appeal Br. 7–8; Reply Br. 3.)

As the Examiner has not identified sufficient evidence to support the anticipation rejection of claim 1, we do not sustain the Examiner’s anticipation rejection of claim 1 and claims 2–4 dependent therefrom.³

² Appellant’s Reply Brief does not have numbered pages. We count the pages starting from the first page.

³ In the event of any further prosecution, we suggest the Examiner consider whether Kim renders claim 1 obvious under 35 U.S.C. § 103, in view of Kim’s teachings in paragraphs 126–128, 134, 172–173, 266, and 270. For example, Kim teaches that (i) UE-1 transmits “a publication request message (e.g., SIP PUBLISH message) to *publish presence information* thereof. . . . the publication request message may include *P/P publication information (see Scheme 4)*” (¶ 266) and (ii) Scheme 4 provides for “*P/P publication information [that] may include ProSe capability information*” (¶ 173), where (iii) the “ProSe capability information may be configured per bearer or connection type (e.g., . . . emergency bearer[])” where “if ProSe is considered only for an emergency bearer, the *ProSe capability information may be maintained only with respect to the emergency bearer*” (¶ 134), may suggest to one skilled in the art that the presence information (having P/P publication information with ProSe capability information) would include *public-safety specific information* (e.g., related to an emergency bearer), as recited in claim 1. (*See Kim* ¶¶ 126–128, 134, 173, 266 (emphases added).) Further, Kim teaches that (i) UE-2 transmits “a subscription request message (e.g., SIP SUBSCRIBE message) for *subscribing* to a presence information notification service of the UE-1. . . . the subscription request message may include *P/P subscription information (see Scheme 4)*” (¶ 270) and (ii) Scheme 4 provides for “*P/P subscription information [that] may include . . .*

Independent claim 7 includes limitations similar to those of claim 1, and the Examiner's rejection of claim 7 relies upon similar findings based upon Kim. (Final Act. 3.) Accordingly, we do not sustain the Examiner's anticipation rejection of claim 7, and claims 8, 10, and 11 dependent therefrom for the same reasons as claim 1.

The Examiner also has not shown that the additional teachings of Bekiares and Blankenship (used in combination with Kim in the obviousness rejections of dependent claims 5, 6, 9, and 12) make up for the above-noted deficiencies of Kim. Thus, for the reasons set forth above, we do not sustain the Examiner's obviousness rejections of dependent claims 5, 6, 9, and 12.

35 U.S.C. § 102 and § 103 Rejections of Claims 13–22

With respect to independent claims 13 and 18, the Examiner finds Patel anticipates claims 13 and 18. The Examiner, among other things, finds Patel discloses the receipt of claim 13's "presence information, including public-safety (PuSa) specific proximity-based services (ProSe) information" because Patel's presence server receives presence information from a multitude of presence sources, and Patel's PoC (Push-to-talk-over-Cellular) call sessions occur "in the context of public safety." (Final Act. 3 (citing

ProSe capability information" (§ 172), where (iii) the "ProSe capability information may be configured per bearer or connection type (e.g., . . . emergency bearer[]]" where "if ProSe is considered only for an emergency bearer, *the ProSe capability information may be maintained only with respect to the emergency bearer*" (§ 134), which would suggest to one skilled in the art that the request to subscribe (having P/P subscription information with ProSe capability information) would include a dedicated public-safety service identification (e.g., pertaining to an emergency bearer), as recited in claim 1. (See Kim §§ 126–128, 134, 172, 270 (emphases added).)

Patel ¶¶ 52, 98, 230); Ans. 4 (citing Patel ¶¶ 260–261).) The Examiner further finds Patel’s notification to a subscribing watcher regarding presence information of presentities “according to the rules associated with these presentities” discloses the claimed “direct said presence information to said watcher UE on the condition that said watcher presentity is determined to be a PuSa ProSe user based on PuSa subscription rules.” (Ans. 5 (citing Patel ¶¶ 52, 260); Final Act. 3.)

Having reviewed the evidence, we do not agree with the Examiner’s finding that Patel discloses receipt of “presence information [from a target UE], including *public-safety (PuSa) specific* proximity-based services (ProSe) information” and “direct[ing] said presence information to said watcher UE *on the condition that said watcher presentity is determined to be a PuSa ProSe user based on PuSa subscription rules*” as recited in claim 13. (Appeal Br. 12 (claim 13 (emphasis added)).) Rather, we agree with Appellant’s arguments that Patel “fails to disclose anything directly regarding PuSa specific ProSe presence information received by the presence server 110 from the PoC clients” or the PoC call session members. (Reply Br. 4–5.) Although Patel describes PoC communications “occur[ing] in the context of *public safety*” (*see* ¶ 230, emphasis added), Patel does not describe that the presentities’ “Presence Information” (*see* ¶ 52) includes *public-safety (PuSa) specific* information, as recited in claim 13. (Appeal Br. 8–9; Reply Br. 4–5.)

Patel also does not disclose “the relevant condition in Claim 13, ‘*on the condition that said watcher presentity is determined to be a PuSa ProSe user based on PuSa subscription rules.*’” (Appeal Br. 9 (emphasis added).) Rather, Patel’s paragraph 260 merely describes initiating communications

with PoC clients/members based on criteria including members' geographical area and whether specific members are available, and Patel's paragraph 52 describes notifications sent from a presence service to a subscribed watcher when there is a change in presence information. (*See* Patel ¶¶ 52, 260; Reply Br. 5; Appeal Br. 9.) However, Patel does not determine whether a watcher presentity is a *public-safety (PuSa)* ProSe user, and does not disclose directing presence information to a watcher UE *on the condition that the watcher presentity is determined to be a PuSa ProSe user* based on PuSa subscription rules, as claimed.

As the Examiner has not identified sufficient evidence to support the anticipation rejection of claim 13, we do not sustain the Examiner's anticipation rejection of claim 13 and claim 16 dependent therefrom.

Independent claim 18 includes limitations similar to those of claim 13, and the Examiner's rejection of claim 18 relies upon similar findings based upon Patel. (Final Act. 4.) Accordingly, we do not sustain the Examiner's anticipation rejection of claim 18 and claim 21 dependent therefrom.

The Examiner also has not shown that the additional teachings of Bekiares and Blankenship (used in combination with Patel in the obviousness rejections of dependent claims 14, 15, 17, 19, 20, and 22) make up for the above-noted deficiencies of Patel. Thus, for the reasons set forth above, we do not sustain the Examiner's obviousness rejections of dependent claims 14, 15, 17, 19, 20, and 22.

CONCLUSIONS

The Examiner erred in rejecting claims 1–4, 7, 8, 10, 11, 13, 16, 18, and 21 as anticipated under 35 U.S.C. § 102(a)(2), and the Examiner erred in

rejecting claims 5, 6, 9, 12, 14, 15, 17, 19, 20, and 22 based upon obviousness.

DECISION

For the above reasons, we REVERSE (1) the Examiner's anticipation rejections of claims 1-4, 7, 8, 10, 11, 13, 16, 18, and 21 under 35 U.S.C. § 102(a)(2), and (2) the Examiner's obviousness rejections of claims 5, 6, 9, 12, 14, 15, 17, 19, 20, and 22 under 35 U.S.C. § 103.

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/ Basis	Affirmed	Reversed
1-4, 7, 8, 10, 11	102(a)(2)	Kim		1-4, 7, 8, 10, 11
13, 16, 18, 21	102(a)(2)	Patel		13, 16, 18, 21
5, 9	103	Kim, Bekiares		5, 9
6, 12	103	Kim, Blankenship		6, 12
14, 15, 19, 20	103	Patel, Bekiares		14, 15, 19, 20
17, 22	103	Patel, Blankenship		17, 22
Overall Outcome				1-22

REVERSED