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EXAMINER	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SOENG-HUN KIM

Appeal 2018-005269
Application 14/262,034
Technology Center 2400

Before MARC S. HOFF, ELENI MANTIS MERCADER, and STEVEN M. AMUNDSON, *Administrative Patent Judges.*

MANTIS MERCADER, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant[1] appeals from the Examiner's decision to reject claims 19–26. *See* Final Act. 1. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

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[1] We use the word Appellant to refer to "applicant" as defined in 37 C.F.R. § 1.42. Appellant identifies the real party in interest as Samsung Electronics Co., Ltd. Appeal Br. 1.

CLAIMED SUBJECT MATTER

The claims are directed to a method and apparatus for transmitting a scheduling request signal in a mobile communication system. Claim 19, reproduced below, is illustrative of the claimed subject matter:

REFERENCES

The prior art relied upon by the Examiner is:

Name	Reference	Date
Chun	US 2009/0197610 Al	Aug. 6, 2009
Tseng	US 2011/0055387 Al	Mar. 3, 2011
Rosa	US 2012/0190376 Al	July 26, 2012

REJECTION

Claims 19–26 are rejected under pre-AIA 35 U.S.C. 103(a) as obvious over Chun in view of Rosa and further in view of Tseng.

OPINION

Claims 19–26 are rejected under pre-AIA 35 U.S.C. 103(a)

Appellant argues that the combination of Chun in view of Rosa and further in view of Tseng fails to teach or suggest the claimed recitation of "triggering an SR, if a buffer status report (BSR) is triggered and not cancelled," as recited in independent Claim 19. Appeal Br. 6. In particular, Appellant disagrees with the Examiner's reliance on Rosa for suggesting that triggering a buffer status report (i.e., BSR) is not cancelled since it also triggers the scheduling request (i.e., SR transmission). Appeal Br. 6 (citing *generally* Rosa's para. 56). Appellant then relies on other embodiments not cited by the Examiner to further support its assertion, making comparisons

to prior-art standards in documents but without providing specific comparisons to support the allegations.

We do not agree with Appellant's argument. We agree with the Examiner that Rosa teaches that the user equipment (i.e., UE) determines whether an SR should be triggered when new data are in the logical channel and that if data is of higher priority than the data already awaiting transmission in the other logical channels a BSR is triggered as explicitly stated in Rosa:

> *When data arrives in a logical channel (and that data is of higher priority than the data already awaiting transmission in the other logical channels) a buffer status report is triggered.* If the UE does not have any uplink resources to send that buffer status report *a scheduling request is triggered.*

Ans. 6 (citing Rosa para. 56 (emphasis added)). Thus, we agree with the Examiner that Rosa teaches or suggests triggering an SR if a buffer status report (BSR) is triggered and not cancelled as required by claim 1. *Id.*

Furthermore, we do not find Appellant's reliance on portions of the reference other than those relied by Examiner as persuasive to show that Rosa does not teach the disputed limitation because discussing findings other than those upon which the Examiner relied in the rejection is not a responsive argument. Such a response to the Examiner's findings is insufficient to persuade us of Examiner error, as mere attorney arguments and conclusory statements that are unsupported by factual evidence and are entitled to little probative value. *In re Geisler*, 116 F.3d 1465, 1470 (Fed. Cir. 1997); *see also In re De Blauwe*, 736 F.2d 699, 705 (Fed. Cir. 1984); *Ex parte Belinne*, No. 2009-004693, slip op. at 7-8 (BPAI Aug. 10, 2009) (informative). *See also In re Lovin*, 652 F.3d 1349, 1357 (Fed. Cir. 2011) ("[W]e hold that the Board reasonably interpreted Rule 41.37 to require

more substantive arguments in an appeal brief than a mere recitation of the claim elements and a naked assertion that the corresponding elements were not found in the prior art."); *cf. In re Baxter Travenol Labs*., 952 F.2d 388, 391 (Fed. Cir. 1991) ("It is not the function of this court to examine the claims in greater detail than argued by an appellant, looking for [patentable] distinctions over the prior art.")

Accordingly we affirm the Examiner's rejection of claim 19 and for the same reasons the rejections of claims 20–26 not argued separately.

CONCLUSION

The Examiner's rejection is AFFIRMED.

DECISION SUMMARY

Claims Rejected	**35 U.S.C. §**	**Reference(s)/Basis**	**Affirmed**	**Reversed**
19–26	103(a)	Chun, Rosa, Tseng	19–26	
Overall Outcome:			19–26	

TIME PERIOD FOR RESPONSE

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED