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PHILIPS LIGHTING HOLDING B.V. 465 Columbus Avenue Suite 330 Valhalla, NY 10595			MURRAY, DANIEL C	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ARMAND MICHEL MARIE LELKENS and
BOZENA ERDMANN

Appeal 2018-005993
Application 13/319,769¹
Technology Center 2400

Before JOHNNY A. KUMAR, CATHERINE SHIANG, and
JASON J. CHUNG, *Administrative Patent Judges*.

SHIANG, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1–4, 7–11, 13, and 16–21, which are all the claims pending and rejected in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

¹ Appellants identify Philips Lighting Holding B.V. as the real party in interest. Br. 2.

STATEMENT OF THE CASE

Introduction

According to the Specification, the present invention relates to “a method for communicating in a network, comprising a plurality of nodes, and such nodes. This invention is more especially related to ad hoc networks and that may comprise a plurality of sub-networks interconnected to each other by a backbone.” Spec. 1. Claim 1 is exemplary:

1. A method for assigning a network address to a first node in a network comprising a plurality of second nodes having respective network address, the network being subdivided in a plurality of sub-networks interconnected by at least one backbone, wherein each sub-network is coupled to the at least one backbone by at least one dedicated control device, wherein the first node and a first dedicated control device belong to a first sub-network, the method comprising:
 - assigning a stochastic address to the first node,
 - transmitting, by the first node, an announcement message to the first dedicated control device,
 - checking, by the first dedicated control device, a control device list to determine whether the assigned stochastic network address for the first node is available, wherein the control device list includes a list of network addresses currently in use, and wherein when the assigned stochastic network address is not in the control device list, submitting the assigned stochastic network address to at least a second dedicated control device connected to the at least one backbone, and
 - upon detecting that the assigned stochastic address is not available, transmitting, by the first dedicated control device, to the first node, a message requesting a change of the assigned address for the first node.

References and Rejections²

Claims 1–4, 7–10, 13, and 17–21 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over ZigBee (“*ZigBee Specification Document 053474r17*” 2007 ZigBee Standards Organization (January 17, 2008)) and Fang (US 2009/0141726 A1; June 4, 2009). Final Act. 6–17.

Claim 11 stands rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over ZigBee, Fang, and Dinakaran (US 2009/0006596 A1; January 1, 2009). Final Act. 17–18.

Claim 16 stands rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over ZigBee, Fang, and Smith (US 2009/0094349 A1; April 9, 2009). Final Act. 19–20.³

ANALYSIS

We disagree with Appellants’ arguments, and agree with and adopt the Examiner’s findings and conclusions in (i) the action from which this appeal is taken and (ii) the Answer to the extent they are consistent with our analysis below.

Obviousness

On this record, the Examiner did not err in rejecting claim 1.

Appellants contend ZigBee does not teach “transmitting, by the first node, an announcement message to *the first dedicated control device*,

² Throughout this opinion, we refer to the (1) Final Rejection dated September 15, 2016 (“Final Act.”); (2) Appeal Brief dated October 18, 2017 (“Br.”); and (3) Examiner’s Answer dated February 9, 2018 (“Ans.”).

³ The Examiner withdrew a written description rejection. Ans. 18.

checking, by the first dedicated control device, a control device list to determine whether the assigned stochastic network address for the first node is available, wherein the control device list includes a list of network addresses currently in use,” as recited in claim 1 (emphasis added). *See* Br. 6–11. In particular, Appellants assert “ZigBee Specification teaches stochastic address assignment by announcing addresses to all *devices* in the network and requesting the first node to pick a new address if there is a conflict with the previously assigned address” and “ZigBee coordinator and/or Router does not include a list of network addresses currently in use.” Br. 8, 10; *see also* Br. 7–9, 11.

Appellants have not persuaded us of error. The Examiner finds:

ZigBee clearly discloses transmitting, by the first node (*ZigBee End Device, joining device, child, etc.*), an announcement message (*device_annce*) to the first dedicated control device (*ZigBee Coordinator, parent, etc.*)(ZigBee; page 228 lines 18-28, page 373 lines 31-36, page 374 lines 17-18).

....

ZigBee clearly discloses checking, by the first dedicated control device (*ZigBee Coordinator, parent, etc.*), a control device list (*internal tables, network address map, neighbor tables, etc.*) to determine whether the assigned stochastic network address for the first node (*ZigBee End Device, joining device, child, etc.*) is available (ZigBee; page 228 lines 18-28, page 374 lines 39-42, page 375 lines 1-22).

Ans. 22–23.

wherein the control device list (*internal tables, network address map, neighbor tables, etc.*) includes a list of network addresses currently in use, and wherein when the assigned stochastic network address is not in the control device list (*internal tables, network address map, neighbor tables, etc.*), submitting the assigned stochastic network address to at least a second dedicated control device (*ZigBee Coordinator, parent,*

etc.)(ZigBee; page 228 lines 18-28, page 374 lines 39-42, page 375 lines 1-6)
Final Act. 6.

Appellants do not critique the Examiner’s specific findings, and ignore the excerpts of ZigBee’s page 228 cited by the Examiner. As a result, Appellants fail to show Examiner error. *See In re Baxter Travenol Labs.*, 952 F.2d 388, 391 (Fed. Cir. 1991) (“It is not the function of this court [or this Board] to examine the claims in greater detail than argued by an appellant, looking for [patentable] distinctions over the prior art.”).

Further, Appellants’ assertion that “ZigBee specification . . . does not disclose first checking for address conflicts in *the* dedicated control device of the new node itself and checking for address conflicts in other dedicated control device if the first search does not reveal any address conflicts” (Br. 7) is unpersuasive, because it is not commensurate with the scope of claim 1.

To the extent Appellants are separately arguing additional limitations of claim 1, their general assertion does not critique the Examiner’s specific findings and is unpersuasive of error.

Because Appellants have not persuaded us the Examiner erred, we sustain the Examiner’s rejection of independent claim 1, and independent claims 13 and 17 for similar reasons.

We also sustain the Examiner’s rejection of corresponding dependent claims 2–4, 7–11, 16, and 18–21, as Appellants do not advance separate substantive arguments about those claims.

DECISION

We affirm the Examiner’s decision rejecting claims 1–4, 7–11, 13, and 16–21.

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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