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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* YIGANG CAI and SUZANN HUA

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Appeal 2018-006089  
Application 13/838,169<sup>1</sup>  
Technology Center 2600

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Before MAHSHID D. SAADAT, ALLEN R. MACDONALD, and  
JOHN P. PINKERTON, *Administrative Patent Judges*.

PINKERTON, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1–20, which constitute all the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

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<sup>1</sup> The real party in interest identified by Appellants is Alcatel Lucent. App. Br. 3.

STATEMENT OF THE CASE

*Introduction*

Appellants' disclosed and claimed invention relates generally to "Machine Type Communications (MTC)." Spec. 1:4–5.<sup>2</sup>

Claim 1 is representative and reads as follows (with the disputed limitation *emphasized*):

1. An apparatus comprising:

a Services Capability Server (SCS) implemented in a network between a Machine-Type Communications (MTC) server and a group of MTC devices;

the SCS is configured to receive a group trigger request from the MTC server indicating a group trigger for activating an MTC feature in the group of MTC devices;

*before forwarding the group trigger to the group of MTC devices, the SCS is configured to query a Policy and Charging Rules Function (PCRF) for a network policy defined for the group trigger; and*

*the SCS is configured to control delivery of the group trigger to the group of MTC devices based on the network policy provided by the PCRF.*

App Br. 20 (Claims App.).

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<sup>2</sup> Our Decision refers to the Final Office Action (mailed July 7, 2017, "Final Act."), Appellants' Appeal Brief (filed December 22, 2017, "App. Br.") and Reply Brief (filed May 25, 2018, "Reply Br."), the Examiner's Answer (mailed March 28, 2018, "Ans."), and the original Specification (filed March 15, 2013, "Spec.").

*Rejections on Appeal*

Claims 1–8, 10–17, and 19–20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kim et al. (US 2013/0182644 A1; published July 18, 2013) (“Kim”). Final Act. 2–6.

Claims 9 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim, in view of Qu et al. (US 8,885,568 B2; issued Nov. 11, 2014) (“Qu”). Final Act. 6–7.

ANALYSIS

Kim discloses a MTC architecture including, *inter alia*, an MTC server (*i.e.*, a service capability server (SCS)), an MTC interworking function (MTC-IWF), and an MTC device (*i.e.*, user equipment (UE)). *See* Kim ¶¶ 67–70, 100, 104–109, and Fig. 3. A mobile switching center (MSC) receives a trigger instruction from the MTC-IWF and processes the trigger instruction into a message provided to the MTC device. *See* Kim ¶ 113. Kim further discloses a policy and charging rule function (PCRF), and describes a packet data network-gateway (PDN-GW) as acquiring an operator policy from the PCRF. *See* Kim ¶¶ 56, and 167. As argued by Appellants, Kim merely describes that the PDN-GW acquires a policy from the PCRF, and Kim fails to teach that an SCS queries a PCRF for a policy. *See* App. Br. 9. Appellants argue that Kim’s PDN-GW queries the PCRF for a policy indicating whether a back-off time is applied for an MTC device, and Kim fails to teach that an SCS or any other element queries the PCRF for a policy defined for a group trigger. *See id.* Appellants also argue Kim fails to teach that an SC or any other element queries a PCRF before forwarding a group trigger. *See id.* Appellants further argue, because Kim

fails to teach an SCS that queries a PCRF for a network policy defined for a group trigger, Kim also fails to teach an SCS that control deliver of a group trigger to a group of MTC devices based on a network policy acquired from a PCRF.<sup>3</sup> *See id.* Additionally, Appellants argue Qu fails to cure Kim's deficiencies. *See App. Br. 19.*

The Examiner finds Kim discloses trigger requests that are implemented based on the PCRF. *See Ans. 5–7* (citing Kim ¶¶ 56, 296–297 and Fig. 4); *see also Final Act. 2–3* (citing Kim ¶¶ 57, and 296–297). Thus, the Examiner further finds Kim teaches the aforementioned claim elements of claim 1, and the similarly recited elements of claims 10 and 19. *See Ans. 7; see also Final Act. 2–3.*

We have reviewed the Examiner's findings, in light of Appellants' arguments, and we are persuaded the Examiner erred. In particular, we agree with Appellants that the Examiner has failed to show that Kim teaches an SCS that queries a PCRF for a network policy defined for a group trigger, either before forwarding the group trigger to a group of MTC devices or at any other time. Thus, on this record, we agree with Appellants that Kim fails to teach or suggest “before forwarding the group trigger to the group of MTC devices, the SCS is configured to query a Policy and Charging Rules Function (PCRF) for a network policy defined for the group trigger,” and “the SCS is configured to control delivery of the group trigger to the group of MTC devices based on the network policy provided by the PCRF,” as recited in claim 1 and similarly recited in claims 10 and 19. Further, on this record, the Examiner has not shown that Qu cures this deficiency of Kim.

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<sup>3</sup> Appellants' arguments raise additional issues, but we do not reach them because the identified issues are dispositive of the appeal.

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Accordingly, we do not sustain the Examiner's rejection of claims 1, 10, and 19 as anticipated under 35 U.S.C. § 102(e). We also do not sustain the Examiner's rejection of dependent claims 2–9, 11–18, and 20, which depend from one of claims 1, 10, and 19.

#### DECISION

We reverse the Examiner's rejection of claims 11–8, 10–17, and 19–20 under 35 U.S.C. § 102(e).

We reverse the Examiner's rejection of claims 9 and 18 under 35 U.S.C. § 103(a).

REVERSED