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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MITSUHIRO KUBOTA and HIDENORI KATO

Appeal 2018-006549
Application 13/491,681
Technology Center 2400

Before JENNIFER L. McKEOWN, CARL L. SILVERMAN, and
MATTHEW J. McNEILL, *Administrative Patent Judges*.

McKEOWN, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants¹ appeal under 35 U.S.C. § 134(a) from the Examiner's
decision to reject claims 13–16. We have jurisdiction under 35 U.S.C. § 6.

We affirm.

¹ According to Appellants, the real party in interest is NEC Corporation.
App. Br. 2.

STATEMENT OF THE CASE

Appellants' disclosed and claimed invention relates to

An integrative radio base station hold[ing] station data required for operation including information on the cell managed by itself and the information on the cells managed by an adjacent integrative radio base stations. If information on the cells of the destination of a mobile terminal is not held at the time of the handover of the mobile terminal, the information is acquired from a station data management device. The station data management device manages station data for each integrative radio base station and transmits information on the cell requested from the integrative radio base station to a source that made the request.

Abstract.

Claim 13 is illustrative of the claimed invention and reads as follows:

13. A radio base station comprising:
 - a receiver configured to receive a measurement result of reception quality from a mobile station;
 - a processor configured to make a determination, based on the measurement result, to perform a handover of the mobile station, wherein the processor is configured to specify one target cell of the handover;
 - a table configured to store at least one adjacent cell information that identifies the one target cell of the handover, wherein the one target cell is adjacent to a cell of the radio base station;
 - an interface configured to be connected to a neighboring base station managing the one target cell, and to exchange information for the handover with the neighboring base station;
 - a transmitter configured to transmit, to a node managing the radio base station, a notification of the at least one adjacent cell information; and
 - a second receiver configured to receive, from the node, information to update the at least one adjacent cell information, wherein, based on the information to update the at least one adjacent cell information, a new adjacent cell information is added to the at least one adjacent cell information stored in the

table or at least one adjacent cell information is deleted from the at least one adjacent cell information stored in the table.

THE REJECTIONS

The Examiner rejected claims 13 and 15 under 35 U.S.C. § 103(a) over Berra (US 2005/0153743 A1; pub. July 14, 2005), Son (US 2005/0101328 A1; pub. May 12, 2005), and Nakada (US 2005/0255890 A1; Nov. 17, 2005). Final Act. 3–12.

The Examiner rejected claims 14 and 16 under 35 U.S.C. § 103(a) over Berra and Nakada. Final Act. 13–20.

ANALYSIS

THE OBVIOUSNESS REJECTION UNDER 35 U.S.C. § 103 BASED ON BERRA, SON AND NAKADA *Claims 13 and 15*

Based on the record before us, we are not persuaded that the Examiner erred in rejecting claims 13 and 15 as unpatentable over Berra, Son, and Nakada.

Appellants argue that the Examiner erred in finding that Nakada teaches the recited second receiver limitations. Namely, Appellants maintain that Nadaka’s system does not “receive, from [a node managing the one target cell], information to update the at least one adjacent cell information, wherein, based on the information to update the at least one adjacent cell information, a new adjacent cell information is added to the at least one adjacent cell information stored in the table or at least one adjacent cell information is deleted from the at least one adjacent cell information stored in the table,” as required by claim 13. *See* App. Br. 9–11.

According to Appellants, Nakada discloses setting information transmitted to the radio base station device for only that radio base station device, not adjacent cells. Reply Br 6–7. For example, Appellants argue

The setting information disclosed by Nakada includes setting information used to set communication configurations for the CDMA radio base station device 1, which may include the management ID of the CDMA radio base station device 1, the ID of the radio base station controller 5 which manages the CDMA radio base station device 1, the used frequency of the CDMA radio base station device 1, the cell radius of the CDMA radio base station device 1, the spreading code sequence information of the CDMA radio base station device 1, and the maximum signal transmission level of the CDMA radio base station device 1.

[Nakada fails to teach or suggest that the setting information includes any information related to any adjacent cell. Rather, the setting information of Nakada is entirely related to the CDMA radio base station device 1, which itself is the recipient of the setting information.

Reply Br. 7; *see also* Reply Br. 5–6 (discussing Nakada ¶¶134–138).

Appellants are correct that paragraphs 134–138 of Nakada disclose using adjacent cell information to determine the setting information for the radio base station device based on the communication configurations for the existing radio base station devices around the estimated location. *See, e.g.*, Nakada ¶ 138. However, as the Examiner points out, Nakada also describes that the radio base station information register selects for the newly connected radio base station device the radio frequency *that is used by adjacent radio base station devices*. Nakada ¶ 124; Final Act. 7; Ans. 23. Nakada further explains that “[w]ith this assignment of the frequency, soft handover can be performed with adjacent cells.” *Id.* Nakada’s base station device, thus, updates or adds the radio frequency of adjacent cells as

received from the radio base station information register by setting the radio frequency to be able to perform soft handover with adjacent cells. We are not persuaded of error, then, in the Examiner's determination that these teachings of Nakada together with Berra's teaching of a table maintaining information about adjacent cells for handover (*see* Ans. 21) teach or suggest the disputed limitations.

Accordingly, we sustain the Examiner's decision to reject claims 13 and 15 as unpatentable over Berra, Son, and Nakada.

THE OBVIOUSNESS REJECTION UNDER 35 U.S.C. § 103 BASED ON BERRA AND
NAKADA

Claims 14 and 16

Appellants do not argue separately the patentability of claims 14 and 16. Instead, Appellants rely on the same arguments presented for claim 13. *See* Reply Br. 11. As discussed above, we find these arguments unpersuasive. Accordingly, we sustain the Examiner's decision to reject claims 14 and 16 as unpatentable over Berra and Nakada.

DECISION

We affirm the Examiner's decision to reject claims 13–16.

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

AFFIRMED