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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,852	09/30/2004	Nicolas Drevon	104606-US-NP	4310

59978 7590 01/15/2020

Chiesa Shahinian & Giantomasi PC (NOKIA)
Attn: Jeffrey M. Weinick
One Boland Drive
West Orange, NJ 07052

EXAMINER	
CAI, WAYNE HUU	

ART UNIT	PAPER NUMBER
2644	

NOTIFICATION DATE	DELIVERY MODE
01/15/2020	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte NICOLAS DREVON

Appeal 2018-009090
Application 10/509,852
Technology Center 2600

Before J. JOHN LEE, DANIEL J. GALLIGAN, and
DAVID J. CUTITTA II, *Administrative Patent Judges*.

GALLIGAN, *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 1, 8–11, 13, 14 and 16–24. Claims 2–7, 12, and 15 have been cancelled. We have jurisdiction under 35 U.S.C. § 6(b).

[1] We use the word Appellant to refer to "applicant" as defined in 37 C.F.R. § 1.42(a). Appellant identifies the real party in interest as Nokia Corporation. Appeal Br. 1.

We AFFIRM.[2]

CLAIMED SUBJECT MATTER

Claims 1, 11, 13, and 16 are independent claims. Claim 1 is reproduced below:

> 1. A method for controlling access rights in a cellular mobile radio system, said method comprising:
>
> transmitting access rights control related information from a core network to a radio network controller of said cellular mobile radio system, wherein said access rights control related information includes particular information not transmitted in messages related to user equipment or user equipment communication, but transmitted during a procedure for information transfer from said core network to said radio network controller, wherein said procedure for information transfer is performed at least upon change of said particular information in said core network.

REJECTION

Claims 1, 8–11, 13, 14, and 16–24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Appellant Admitted Prior Art ("AAPA") and Willars.[3] Final Act. 6–15.

Our review in this appeal is limited only to the above rejection and the issues raised by Appellant. Arguments not made are waived. *See* MPEP § 1205.02; 37 C.F.R. §§ 41.37(c)(1)(iv) and 41.39(a)(1).

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[2] Our Decision refers to Appellant's Appeal Brief filed May 24, 2018 ("Appeal Br."); Appellant's Reply Brief filed September 27, 2018 ("Reply Br."); Examiner's Answer mailed July 31, 2018 ("Ans."); and Final Office Action mailed July 31, 2017 ("Final Act.").

[3] US 2003/0013443 A1, published Jan. 16, 2003.

OPINION

Appellant argues AAPA does not teach "said procedure for information transfer is performed at least upon change of said particular information in said core network," as recited in claim 1 and similarly recited in claims 11, 13, and 16. Appeal Br. 5–9; Reply Br. 2–4. Specifically, Appellant argues that AAPA describes that "roaming agreement information is communicated during phases of setting up or relocating a radio access bearer service" but that the "communication of roaming agreement information in AAPA is not performed upon change of the roaming agreement information in the core network." Appeal Br. 6; Reply Br. 3.

We are not persuaded the Examiner erred. The Examiner finds, and we agree, that "the serving . . . networks information" in AAPA, i.e., information about which particular network provides cellular service, teaches "particular information." Ans. 5; Final Act. 6–7 (citing Spec. 6:11–26). The Examiner further finds, and we agree, that there is a "change" in AAPA's "serving . . . networks information" when the user "roams from one area to another area." Ans. 5; Final Act. 6–7 (citing Spec. 6:11–26). Still further, the Examiner finds, and we agree, that when the user roams, i.e., relocates from one cellular service to another, AAPA teaches performing a "procedure for information transfer" in which roaming agreement information is transmitted. Ans. 5; Final Act. 6–7 (citing Spec. 6:11–26). That is, AAPA describes that when there is a change in information regarding which network provides cellular service, roaming agreement information is transmitted.

Appellant's argument that AAPA's transfer of roaming agreement information "is not performed upon change of the roaming agreement

information in the core network" (Appeal Br. 6; Reply Br. 3) does not persuade us of error because that argument is not commensurate with the scope of the claim. The claim does not require that the transfer of roaming agreement information be caused by a change specifically to the roaming agreement information. Instead, the "change" required is based on a change in "particular information," which the claim broadly describes using a negative limitation as any information "not transmitted in messages related to user equipment or user equipment communication." Further, the claim recites that "access rights control related information *includes* particular information" (emphasis added) but does not require that the particular information is itself information defining access rights control.

Appellant agrees with the Examiner that, in AAPA, "as the user moves during a communication session, a relocation of a radio access network equipment serving the user equipment needs to be performed." Appeal Br. 6. That relocation causes the "the core network to communicate the roaming agreement information to the radio access network." Spec. 6:11–16. As such, information regarding the particular cellular network that provides cellular service, or will provide cellular service, changes. Indeed, the background section of the Specification, i.e., AAPA, further describes changing information regarding location and respective serving cellular networks:

> In mechanisms for cell selection or reselection at the initiative of the terminal, the terminal is able to tell, from information broadcast on the beacon channels, whether a new reselected cell (target cell) belongs to the same location area as the current serving cell. If so, the new cell becomes the new serving cell. If not, the terminal advises the network of this

> beforehand, using a location updating procedure, in order to have the user's right to access the new cell verified.

Spec. 3:28–36. Even if the claimed "procedure for information transfer" is not caused by a change in allowed network or roaming agreement information, the claim only requires the change to be caused by a change to "particular information." Appellant has not presented persuasive evidence or argument addressing the Examiner's finding that the change in information regarding the cellular network providing cellular service, discussed in AAPA, teaches a "change of said particular information." *See* Reply Br. 2–4; *see also* Ans. 5–7.

Accordingly, we are not persuaded the Examiner erred in finding AAPA teaches "said procedure for information transfer is performed at least upon change of said particular information in said core network," as recited in claim 1 and similarly recited in claims 11, 13, and 16. Appellant does not argue separate patentability for dependent claims 8–10, 14, and 17–24, which depend directly or indirectly from claims 1, 11, 13, and 16. Appeal Br. 9. Accordingly, for the reasons set forth above, we sustain the Examiner's decision to reject claims 1, 8–11, 13, 14, and 16–24.

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	References	Affirmed	Reversed
1, 8–11, 13, 14, 16–24	103(a)	AAPA, Willars	1, 8–11, 13, 14, 16–24	

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