UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/563,006	12/08/2014	Suzann Hua	816396-US-NP	1091

50525 7590 01/23/2020

DUFT & BORNSEN, PC
1319 W BASELINE RD
SUITE 100A
LAFAYETTE, CO 80026

EXAMINER	
HARLEY, JASON A	

ART UNIT	PAPER NUMBER
2468	

NOTIFICATION DATE	DELIVERY MODE
01/23/2020	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@db-iplaw.com
nokia.ipr@nokia.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SUZANN HUA and YIGANG CAI

Appeal 2019-000018
Application 14/563,006
Technology Center 2400

Before LINZY T. McCARTNEY, JOHN P. PINKERTON, and, SCOTT E. BAIN, *Administrative Patent Judges.*

McCARTNEY, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellant[1] seeks review under 35 U.S.C. § 134(a) of the Examiner's non-final rejection of claims 1–20. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

[1] Appellant identifies the real party in interest as Alcatel-Lucent USA Inc. Appeal Brief 3, filed March 30, 2018 ("Appeal Br.").

BACKGROUND

This patent application concerns providing usage authorization control for group communications such as group voice calls, group SMS messages, and group multimedia messages. *See* Specification 1:11–13, 1:22–23, Abstract, filed December 8, 2014 ("Spec."). Claims 1, 9, and 17 are independent. Claim 1 illustrates the claimed subject matter:

> 1. An apparatus comprising:
>
> a network element configured to identify a group communication for an end user of User Equipment (UE), and to process the group communication to retrieve a group ID from the group communication;
>
> the network element configured to retrieve a user profile of the end user from a Home Subscriber Server (HSS), and to determine from the user profile and the group ID whether the end user is a member of a group associated with the group ID; and
>
> the network element is configured to provide, on the condition that the end user is a member of the group, the group ID to the HSS and receive group usage rules for the group from the HSS, and to allow the group communication on the condition that the group communication is permitted by one or more of the group usage rules.

Appeal Br. 15.

REJECTIONS

Claims	35 U.S.C. §	References
1, 2, 4, 6, 9, 10, 12, 14	103(a)	Yu,[2] Palanisamy[3]
3, 11	103(a)	Yu, Palanisamy, Van Elburg[4]
5, 13	103(a)	Yu, Palanisamy, Van Elburg, Cattan[5]
7, 15	103(a)	Yu, Palanisamy, Lee[6]
8, 16, 17, 19, 20	103(a)	Yu, Palanisamy, Cattan
18	103(a)	Yu, Palanisamy, Cattan, Lee

DISCUSSION

Claim 1

Claim 1 recites "a network element configured to identify a group communication for an end user of User Equipment (UE), and to process the group communication to retrieve a group ID from the group communication [the "identify and process" limitation]." Appeal Br. 15. Claim 1 also recites "the network element is configured to provide, on the condition that the end user is a member of the group, the group ID to the HSS and receive group usage rules for the group from the HSS, and to allow the group communication on the condition that the group communication is permitted by one or more of the group usage rules [the "provide, receive, and allow" limitation]." Appeal Br. 15.

Appellant argues that the Examiner's combination of Yu and Palanisamy does not teach or suggest these limitations. *See* Appeal Br. 7–12;

[2] Yu et al. (US 2013/0148607 A1; June 13, 2013).
[3] Palanisamy et al. (US 2016/0007138 A1; January 7, 2016).
[4] Van Elburg et al. (US 2012/0011273 A1; January 12, 2012).
[5] Cattan (US 2013/0237184 A1; September 12, 2013).
[6] Lee et al. (US 2004/0242246 A1; December 2, 2004).

Reply Brief 1–5, filed September 28, 2018 ("Reply Br.").[7] Appellant contends that, contrary to the Examiner's findings, the cited parts of Yu do not teach identifying a group communication or retrieving a group ID from the group communication as required by the "identify and process" limitation. *See* Appeal Br. 7–9. Appellant also argues that the Examiner erroneously found that Palanisamy teaches the "provide, receive, and allow" limitation. *See* Appeal. Br. 9–11.

We agree with Appellant. The Examiner found that Yu teaches the "identify and process" limitation because Yu discloses that network elements send a paging message to all members of a group. *See* Non-Final Office Action 4, mailed March 7, 2018 ("Non-Final Act.") (quoting Yu ¶¶ 86–87). Even if this paging message is "a group communication," the Examiner did not explain why the cited parts of Yu teach processing the paging message to retrieve a group ID from the message as required by the "identify and process" limitation. *See* Non-Final Act. 4. The Examiner also found that Yu teaches this limitation because Yu discloses that user equipment and communication network elements acquire a group identity, and, if necessary, the communication network elements map a relationship between a group identity and a terminal. *See* Non-Final Act. 18 (quoting Yu ¶¶ 121, 175); Examiner's Answer 2–4, mailed August 1, 2018 ("Ans.") (quoting Yu ¶¶ 64, 76). But these disclosures do not show that either element identifies the recited group communication.

[7] The Reply Brief lacks page numbers. We treat the Reply Brief as if Appellant had sequentially numbered it starting with the page containing the "Status of Claims" section.

In any case, we also agree with Appellant that Palanisamy does not teach the "provide, receive, and allow" limitation. In the Non-Final Office Action, the Examiner found that Palanisamy teaches this limitation because Palanisamy discloses that a HSS applies policies to determine what group modifications are necessary when the HSS receives a particular message. *See* Non-Final Act. 5, 19 (quoting Palanisamy ¶ 139). But the "provide, receive, and allow" limitation requires that a network element provide a group ID to the HSS and receive group usage rules for the group from the HSS, all on the condition that an end user is a member of a group, as well as allow the group communication if the group communication is permitted by the group usage rule. The Examiner did not adequately explain why a HSS applying polices in response to receiving a message teaches this limitation.

In the Answer, the Examiner found that Palanisamy teaches "the network element is configured to provide, on the condition that the end user is a member of the group" part of the "provide, receive, and allow" limitation because Palanisamy teaches that a HSS retrieves subscription information for user equipment, determines whether another component is authorized to form groups and access requested services, and checks if the user equipment can be authorized for the requested group-based service. *See* Ans. 5–6 (quoting Palanisamy ¶ 102). The Examiner found that different parts of Palanisamy teach providing "the group ID to the HSS and receive group usage rules for the group from the HSS, and to allow the group communication on the condition that the group communication is permitted by one or more of the group usage rules" aspect of this limitation. *See* Ans. 6–7 (citing Palanisamy ¶¶ 203, 206, Fig. 13). The Examiner found that Palanisamy teaches this aspect of the "provide, receive, and allow"

limitation because the cited portions of Palanisamy disclose that a SCS can use group-based services by providing, among other things, group IDs to a network layer and that a HSS is primarily responsible for grouping. *See* Ans. 6. The Examiner also relied on Palanisamy's disclosure of a HSS assigning and managing group IDs (among other acts) when modifying an existing group of user equipment. *See* Ans. 7 (citing Palanisamy ¶ 113).

The Examiner did not adequately explain how these different parts of Palanisamy teach the "provide, receive, and allow" limitation. For example, even assuming a HSS retrieving subscription information and checking if the user equipment can be authorized for certain group services corresponds to "provid[ing], on the condition that the end user is a member of the group," the Examiner did not adequately explain why Palanisamy teaches providing "the group ID to the HSS and receiv[ing] group usage rules for the group from the HSS" in response to this condition as required by the "provide, receive, and allow" limitation. Even if we were to agree that the cited portions of Palanisamy generally teach providing a group ID to a HSS and receiving group usage rules for the group from the HSS in some contexts, this fact alone would not show that Palanisamy teaches the recited causal relationship. Palanisamy's disclosure of a HSS assigning and managing group IDs when modifying an existing group of user equipment does not remedy this deficiency.

For the above reasons, on this record, we do not sustain the Examiner's rejection of claim 1 and its dependent claims. Because the Examiner's rejection of independent claim 9 suffers from similar deficiencies, we also do not sustain the Examiner's rejection of claim 9 and its respective dependent claims.

Claim 17

Claim 17 recites "the terminating network element configured to allow the MT group communication only on the condition that group usage rules provided by a Home Subscriber Server (HSS) indicate that the receiving end user and the originating end user are members of a group identified by the group ID." Appeal Br. 21. Appellant argues that the Examiner erroneously found that Palanisamy teaches this limitation. *See* Appeal Br. 12–14; Reply Br. 5–7. According to Appellant, the cited parts of Palanisamy do not suggest the recited group usage rules are provided by the HSS or that MT group communication is permitted because of those rules. *See* Appeal Br. 12–14; Reply Br. 5–7.

We agree with Appellant. The Examiner found that Palanisamy teaches this limitation because it discloses that a HSS applies policies to determine what group modifications are necessary when the HSS receives a particular message; that a SCS can use group-based services by providing, among other things, group IDs to a network layer; and that a HSS is primarily responsible for grouping. *See* Non-Final Act. 13–14; Ans. 8. The Examiner also relied on Palanisamy's disclosure that a SCS may determine that a grouping operation is useful or needed and can coordinate with the core network to create, modify, and delete device groups. *See* Ans. 10–11. But the Examiner did not adequately explain why these disclosures teach the subject matter recited in claim 17. On their face, none of these disclosures teach allowing MT group communications only when the group usage rules provided by the HSS indicate that particular users are members of a group identified by the group ID. We thus do not sustain the Examiner's rejection of claim 17 and its dependent claims.

CONCLUSION

Claims Rejected	35 U.S.C. §	Basis	Affirmed	Reversed
1, 2, 4, 6, 9, 10, 12, 14	103(a)	Yu, Palanisamy		1, 2, 4, 6, 9, 10, 12, 14
3, 11	103(a)	Yu, Palanisamy, Van Elburg		3, 11
5, 13	103(a)	Yu, Palanisamy, Van Elburg, Cattan		5, 13
7, 15	103(a)	Yu, Palanisamy, Lee		7, 15
8, 16, 17, 19, 20	103(a)	Yu, Palanisamy, Cattan		8, 16, 17, 19, 20
18	103(a)	Yu, Palanisamy, Cattan, Lee		18
Overall Outcome				1–20

REVERSED