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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SHUIGEN YANG, GANG LIU, FANXIANG BIN, and HAIBO
WEN

Appeal 2019-000668
Application 14/653,499
Technology Center 2400

BEFORE ADAM J. PYONIN, KARA L. SZPONDOWSKI, and
MICHAEL M. BARRY, *Administrative Patent Judges*.

PYONIN, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the
Examiner's rejection. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

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 "Alcatel
Lucent, the assignee of record, [which] has been acquired by Nokia."
Appeal Br. 1.

STATEMENT OF THE CASE

Introduction

The Application is directed to “a method of managing a Zigbee network in the Internet of Things” by “providing network information of [the] Zigbee network.” Spec. 1:6, 2:7–8. Claims 1–18 are pending; claims 1, 6, and 11 are independent. *See* Response to Notification of Non-Compliant Appeal Brief, filed May 29, 2018. Claim 1 is reproduced below for reference (emphasis added):

1. A method of reporting network information of a ZigBee network in a ZigBee coordination node of an Internet of Things, wherein the ZigBee coordination node is connected to a plurality of ZigBee nodes forming the ZigBee network, and the Internet of Things includes an auto-configuration server in an IP network, the ZigBee coordination node being connected to the auto-configuration server via a gateway, the method comprising:
 - a. sending a first signaling based on a ZigBee device object to the gateway, *the first signaling including network description information and neighbor list information* of each ZigBee node in the ZigBee network.

References and Rejections

Claims 1, 3, 5, and 16 are rejected under pre-AIA 35 U.S.C. § 102(a) as anticipated by Cox (US 2012/0029717 A1; Feb. 2, 2012). Final Act. 3.

Claims 2 and 4 are rejected under pre-AIA 35 U.S.C. § 103(a) as obvious in view of Cox and daCosta (US 9,172,738 B1; Oct. 27, 2015). Final Act. 7.

Claims 7, 9, 10, and 12–14 are rejected under pre-AIA 35 U.S.C. § 103(a) as obvious in view of Cox, daCosta, and Lee (WO 2010/098601 A2; Sept. 2, 2010). Final Act. 9.

Claims 6, 8, 11, 15, 17, and 18 are rejected under pre-AIA 35 U.S.C. § 103(a) as obvious in view of Cox and Lee. Final Act. 14.

OPINION

We have reviewed the Examiner's rejections in light of Appellant's arguments. Arguments Appellant could have made but chose not to make are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(iv).

The Examiner finds Cox discloses the claim 1 limitations relating to the *first signaling*:

as disclosed by the primary^[2] reference, in paragraph[0086], in service discovery of a ZigBee network is that each device describe[]s its device oriented function to the gateway and the gateway will have device oriented information each node it is managing because each node report its description. Also as disclosed in paragraph [0074], during the exchange the ZigBee cluster or device oriented function contains identification, and alarms among other information.

Ans. 4–5.

Appellant argues “Cox does not disclose ‘sending . . . the first signaling including network description information and neighbor list information . . . ,’ as required by claim 1.” Appeal Br. 12. Particularly, Appellant contends that Cox's disclosure of a “cluster list” used in service discovery is not tantamount to the disputed limitation, because “[t]he language of claim 1 makes it clear that [the first signaling's] ‘the network description information’ is distinct from ‘the neighbor list information’” (*Id.*

² We note Cox is the sole reference relied upon in the anticipation rejection of claim 1. *See* Final Act. 3

at 11), whereas “Cox does not disclose including network information along with the cluster list or in the cluster list” (*Id.* at 10).

We are persuaded the Examiner errs. In order to be anticipatory, a reference must “describe the claimed invention with sufficient precision and detail to establish that the subject matter existed in the prior art.” *Verve, LLC v. Crane Cams, Inc.*, 311 F.3d 1116, 1120 (Fed. Cir. 2002). Further, “it is not enough that the prior art reference discloses part of the claimed invention, which an ordinary artisan might supplement to make the whole, or that it includes multiple, distinct teachings that the artisan might somehow combine to achieve the claimed invention.” *Net MoneyIn, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1371 (Fed. Cir. 2008). We find the Examiner has not shown Cox provides sufficient detail, without supplementation, to disclose each limitation of claim 1.

The Examiner relies both on Cox’s mention of a “service discovery” and Cox’s mention of “identification . . . among other information” for disclosing the information contained in the recited first signaling; however, the Examiner has provided no factual basis to show Cox discloses both sets of information will be included in the same signaling. Ans. 5; Cox ¶¶ 74, 86. Rather, we note the discovery and identification appear to each depend on separate signaling procedures in Cox. *See* Cox Fig. 5 (step 202 (regarding load control messages) and step 224 (regarding enabling device clusters)), ¶¶ 65, 74, 86. We find Cox’s two separate signaling procedures—each containing different information—are distinct teachings that do not anticipate the “first signaling” of claim 1.

Moreover, Cox fails to provide sufficient detail regarding what information is communicated during signaling. For example, Cox’s bare

disclosure of “messages for Zigbee clusters relating to identification” does not contain any precise detail of what information is sent. Cox ¶ 74. Similarly, Cox provides no further details regarding the process by which “each device describes its available cluster” during service discovery. *See* Cox ¶ 86. Even if this cluster description is tantamount to one of the included information recitations (“neighbor list” or “network description”), the Examiner fails to explain how the cluster description also discloses the other included information recitation. Mapping Cox’s cluster description to both limitations impermissibly reads one of the limitations out of the claim. “The Patent and Trademark Office (PTO) must consider all claim limitations when determining patentability of an invention over the prior art.” *In re Lowry*, 32 F.3d 1579, 1582 (Fed. Cir. 1994); *see also Innova/Pure Water, Inc. v. Safari Water Filtration Sys., Inc.*, 381 F.3d 1111, 1119 (Fed. Cir. 2004) (“when an applicant uses different terms in a claim it is permissible to infer that [they] intended [their] choice of different terms to reflect a differentiation in the meaning of those terms”).

Thus, we agree with Appellant that Cox does not disclose “sending a first signaling based on a ZigBee device object to the gateway, the first signaling including network description information and neighbor list information,” as recited in claim 1. The Examiner relies on Cox for the similar limitations recited by independent claims 6 and 11. *See* Final Act. 14, 17. Accordingly, we do not sustain the Examiner’s rejections of the independent claims, or the rejections of the dependent claims thereon.

CONCLUSION

Claims Rejected	35 U.S.C. §	Basis/Reference(s)	Affirmed	Reversed
1, 3, 5, 16	102(a)	Cox		1, 3, 5, 16
2, 4	103(a)	Cox, daCosta		2, 4
7, 9, 10, 12–14	103(a)	Cox, daCosta, Lee		7, 9, 10, 12–14
6, 8, 11, 15, 17, 18	103(a)	Cox, Lee		6, 8, 11, 15, 17, 18
Overall Outcome				1–18

REVERSED