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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte HUSSAIN ZAHEER SYED, SUNMEEL
MEELIND BHUMKAR, MUHIB TAIYE ODUWAIYE,
RAJESH M. GANGADHAR, and
PRAVEEN C. SRIVASTAVA

Appeal 2019-000888
Application 14/557,741
Technology Center 2400

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

LEE, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to reject claims 1–3, 5, 6, 10–12, 15, 16, 20–23, 27–33 and 35–45. Claims 4, 7–9, 13, 14, 17–19, 24–26, and 34 have been withdrawn. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

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 Time Warner Cable Enterprises LLC. Appeal Br. 2.

CLAIMED SUBJECT MATTER

The present invention relates generally to a communication resource, e.g., a wireless access point, that advertises the presence of a wireless network by generating a communication (such as in a beacon) that indicates a primary identifier assigned to a wireless network and further indicates that the wireless network includes multiple available wireless sub-networks. Spec. 8:2–6, Abstract. Independent claims 1 and 11 are illustrative of the claims on appeal and recite:

1. A method comprising:

via computer processor hardware, performing operations of:

generating a communication, the communication including i) a network address assigned to a wireless access point operating in a network environment, ii) a primary identifier assigned to a wireless network supported by the wireless access point, the primary identifier indicating a general location serviced by the wireless access point, and iii) data indicating that the wireless network supported by the wireless access point includes multiple wireless sub-networks; and

transmitting the communication as a wireless signal from the wireless access point to a mobile communication device in the network environment, the transmitted communication indicating availability of the wireless sub-networks.

11. A method comprising:

via computer processor hardware, performing operations of:

receiving a wireless communication from a wireless access point, the wireless communication including a primary identifier and a network address, the primary identifier assigned

to a wireless network supported by the wireless access point, the network address assigned to the wireless access point;

processing data received in the wireless communication, the data indicating that the wireless network supported by the wireless access point includes multiple wireless sub-networks;

selecting amongst the multiple wireless sub-networks to communicate with the wireless access point;

transmitting a probe request from the mobile communication device to the wireless access point, the probe request including the primary identifier assigned to the wireless network and a secondary identifier specifying a selected one of the multiple sub-networks; and

in response to transmitting the probe request: receiving a probe response including the primary identifier and the secondary identifier.

REJECTIONS ON APPEAL

Claim 37 stands rejected under 35 U.S.C. § 112(a) as lacking written description. Final Act. 3–4.

Claims 1–3, 5, 6, 10, 20–23, 27, and 30–33 stand rejected under 35 U.S.C. § 102(a)(1) as being anticipated by Yao.² *Id.* at 4–9.

Claims 11, 12, 15, 16, 28, 29, and 35–45 stand rejected under 35 U.S.C. § 103 as being unpatentable over Yao and Zaks.³ *Id.* at 10–24.

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

² Yao, US 2011/0040969 A1, published Feb. 17, 2011.

³ Zaks, US 2010/0020746 A1, published Jan. 28, 2010.

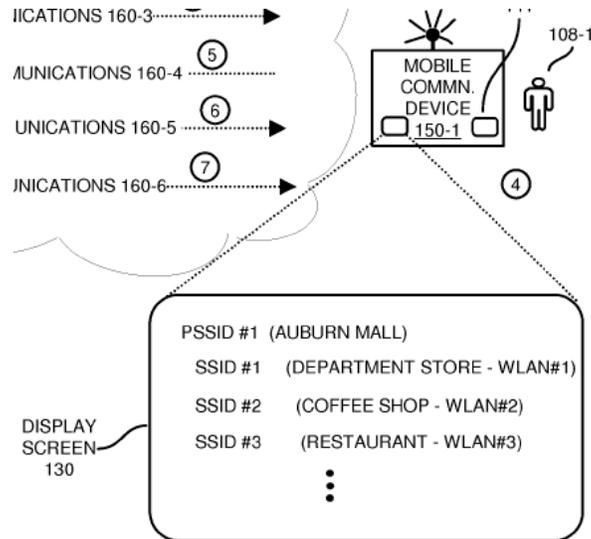
OPINION

Written Description of Claim 37

The Examiner found that claim 37 fails to comply with the written description requirement of 35 U.S.C. § 112(a) because the limitation reciting “the communication device operable to display: i) a visual indication indicating the general location serviced by the wireless access point’ . . . is not mentioned in the original disclosure and has no support in the [S]pecification.” Final Act. 3–4. As explained below, we are persuaded the Examiner erred.

Appellant argues that Figure 1 shows, “display screen 130 of the mobile communication device 150-1 displays multiple SSIDs and corresponding general location information indicating a location of corresponding wireless services provided by a wireless access point,” thereby providing written description support for claim 37. Appeal Br. 14; Reply Br. 3–4. Appellant further points out (Appeal Br. 14; Reply Br. 3–4) that the Specification states the “overall wireless network 191 is assigned a unique identifier PSSID #1, which corresponds to the name of the network such as the ‘Auburn Mall.’ In this example, the name (or unique identifier) assigned to the network indicates its location (i.e., the Auburn Mall)” (Spec. 9:1–4).

We agree with Appellant. Figure 1 shows mobile communication device 150 displaying wireless network identifiers and corresponding network names (Spec. 8:20–9:4); the relevant portion of Figure 1 is reproduced below:



As shown in Figure 1, the display screen 130 of mobile communication device 150-1 shows PSSID #1, i.e., a primary identifier, indicating a general location, i.e., Auburn Mall. The Specification also discloses that “the name (or unique identifier) assigned to the network indicates its location (i.e., the Auburn Mall).” *Id.* at 9:1–4. Accordingly, we are persuaded the Examiner erred in finding that claim 37 fails to comply with the written description requirement of 35 U.S.C. § 112(a).

Anticipation of Claims 1–3, 5, 6, 10, 20–23, 27, and 30–33

The Examiner’s rejection of claims 1–3, 5, 6, 10, 20–23, 27, and 30–33 are based on Yao. Final Act. 4–9. Appellant provides arguments only regarding independent claim 1 and dependent claim 6. *See* Appeal Br. 16–23; Reply Br. 5–10. Claims 2, 3, 5, 10, 20, and 33, which depend from claim 1, rise or fall with claim 1. *See* 37 C.F.R. § 41.37(c)(1)(iv). The rejection of independent claims 21 and 32, as well as claims 22, 23, 27, 30, and 31 depending therefrom, is summarily affirmed. Further, as explained

below, we are not persuaded the Examiner erred in finding claims 1 and 6 are anticipated by Yao.

Claim 1

Appellant argues the Examiner erred in finding Yao discloses “generating a communication, the communication including . . . ii) a primary identifier assigned to a wireless network supported by the wireless access point, the primary identifier indicating a general location serviced by the wireless access point,” as recited in claim 1. Appeal Br. 16–22; Reply Br. 5–9. Specifically, Appellant argues the cited portions of Yao “make no mention of a primary identifier indicating a general location serviced by the wireless access point.” Appeal Br. 16–18 (citing Yao ¶¶ 27–29, Fig. 3), *see id.* at 20. Further, Appellant argues “the wireless range covered by a wireless access point” does not disclose the “name of a corresponding wireless network covered by a physical area.” Appeal Br. 20; Reply Br. 8.

We are not persuaded by Appellant’s arguments. The Examiner found (Final Act. 5), and we agree, that Yao’s wireless local area network access point (WLAN AP), which broadcasts a “beacon management frame 300” that includes a “main BSSID field 310” and a “main SSID 336” (Yao ¶¶ 20, 27–28), discloses “generating a communication, the communication including . . . ii) a primary identifier assigned to a wireless network supported by the wireless access point.”

Appellant argues that Yao does not disclose that the “primary identifier indicat[es] a general location serviced by the wireless access point” (Appeal Br. 17–18; Reply Br. 6), but, as the Examiner points out, that feature is not given patentable weight (*see* Ans. 5; *see also* Final Act. 2–3).

Our reviewing court has explained that “limitations directed to the content of information and lacking a requisite functional relationship are not entitled to patentable weight.” *Praxair Distribution, Inc. v. Mallinckrodt Hosp. Prods. IP Ltd.*, 890 F.3d 1024, 1032 (Fed. Cir. 2018) (citations omitted); *In re Ngai*, 367 F.3d 1336, 1338 (Fed. Cir. 2004).

Here, the claimed method recites “generating a communication” including a “primary identifier.” The claim further recites informational content of that generated communication, i.e., that the “primary identifier indicat[es] a general location serviced by the wireless access point.” The informational content of the generated communication, however, is not functionally related to the generated communication or any other aspect of the claimed method. Specifically, beyond describing what information is conveyed by the generated communication, i.e., “a general location,” the indication of a general location has no functional relationship to any feature recited in the claim.

In fact, Appellant acknowledges that the purpose of the primary indicator is to convey descriptive information to a person. Appeal Br. 18 (“[A] primary identifier indicating a general location . . . is useful over the cited prior art because it notifies a respective user of a general location.”); *see also* Spec. 1:33–34 (“The SSID value (such as a multi-byte character string) assigned to a respective wireless LAN can be a name of the sponsor.”), 9:2–4 (“[T]he name (or unique identifier) assigned to the network indicates its location (i.e., the Auburn Mall).”); *see id.* Fig. 1. Because the indicated general location merely conveys informational content and has no functional relationship to any other feature recited in the claim, we do not give patentable weight to that informational content. *In re Ngai*,

367 F.3d at 1339. Giving weight to that limitation would potentially, and improperly, allow a patent for a known method by simply changing some identifier of the product, e.g., by simply giving the network a name. *See id.*

Appellant’s arguments, all based on “indicating a general location serviced by the wireless access point” (Appeal Br. 16–22; Reply Br. 3–9), argue a limitation that is not entitled to patentable weight. Accordingly, we are not persuaded the Examiner erred in finding Yao discloses “generating a communication, the communication including . . . ii) a primary identifier assigned to a wireless network supported by the wireless access point, the primary identifier indicating a general location serviced by the wireless access point,” as recited in claim 1, for purposes of anticipation.

Claim 6

Appellant contends the Examiner erred in finding Yao discloses “setting a bit in a data field of the communication to a predetermined state to indicate that the wireless network includes multiple wireless sub-networks,” as recited in claim 6. Appeal Br. 22–23; Reply Br. 9–10. In particular, Appellant argues “Yao requires populating a respective data field with multiple bits of information to indicate a SUB-BSSID,” but those “multiple bits specify[] a single sub-network SSID (SUB-BSSID).” Appeal Br. 23; Reply Br. 9–10.

We disagree. The Examiner relies on Yao setting multiple bits “multiple times in order to indicate that the network has multiple sub-networks” to find that Yao discloses “setting a bit in a data field of the communication to a predetermined state to indicate that the wireless network includes multiple wireless sub-networks.” Ans. 7 (citing Yao ¶ 33, Fig. 3).

As the Examiner points out (*id.*), Yao describes that “sub-BSSID field 384 and the sub-SSID element field 386 are used to represent the unique virtual AP supported by the WLAN AP 230” (Yao ¶ 33). Furthermore, as the Examiner finds (Ans. 7), Yao discloses that there are multiple virtual APs supported by the WLAN AP. In particular, Yao describes “select[ing] one of the virtual APs in the WLAN AP 230 based on the service type of the virtual APs.” Yao ¶¶ 36–37. As such, for each of the virtual APs, bits for the sub-BSSID field and the sub-SSID element field are set; setting those bits, therefore, “indicate[s] that the wireless network includes multiple wireless sub-networks.”

Appellant’s argument that multiple bits are used to indicate “a single sub-network SSID” (Appeal Br. 23; Reply Br. 9–10) does not address Yao’s disclosure of a WLAN AP that includes multiple virtual APs. Yao ¶¶ 36–37. Because bits for those respective virtual APs are set, those bits indicate that the network has multiple sub-networks. *See* Yao ¶ 33.

Additionally, Appellant argues, “Yao requires populating a respective data field with multiple bits of information to indicate a SUB-BSSID,” but “there is no indication that Yao sets a bit in a data field of the communication to a predetermined state.” Appeal Br. 23. In response, the Examiner finds, “[t]he limitation does not state *only 1 bit* must be set to indicate multiple subnetworks. Therefore, ‘the setting of a bit,’ is done multiple times in order to indicate that the network has multiple sub-networks.” Ans. 7 (emphasis added). We agree with the Examiner’s finding and determine Appellant’s argument is not commensurate with the scope of claim 6, which does not limit the setting to a single bit and employs the transitional phrase “comprising.” The indefinite article “a,” when used to

introduce a feature in an open-ended claim containing the transitional phrase “comprising,” usually carries the meaning “one or more.” *See, e.g., KCJ Corp. v. Kinetic Concepts, Inc.*, 223 F.3d 1351, 1356 (Fed. Cir. 2000).

Accordingly, we are not persuaded that the Examiner erred in finding Yao discloses, “setting a bit in a data field of the communication to a predetermined state to indicate that the wireless network includes multiple wireless sub-networks,” as recited in claim 6.

Obviousness of Claims 11, 12, 15, 16, 28, 29, and 35–45

The Examiner rejected claims 11, 12, 15, 16, 28, 29, and 35–45 based on the combined teachings of Yao and Zaks. Final Act. 10–24. As explained below, we are not persuaded the Examiner erred in concluding these claims would have been obvious over Yao and Zaks.

Claims 11, 28, and 45

Appellant argues the Examiner erred in finding that the combination of Yao and Zaks teaches “transmitting a probe request from the mobile communication device to the wireless access point, the probe request including the primary identifier assigned to the wireless network and a secondary identifier specifying a selected one of the multiple sub-networks,” as recited in claim 11. Appeal Br. 24–26. Specifically, Appellant argues, “Zaks would only be aware of multiple SSIDs assigned to a respective wireless access point, but no corresponding subnetworks,” and, so, “it would make no sense that a query in Zaks (modified by Yao) would include a primary identifier assigned to a wireless network as well as a secondary identifier specifying a selected one of the multiple sub-networks.” *Id.* at 25–

26. Further, Appellant argues Zaks’s request “is a request (query) for security profile information,” not a “selection of sub-network in which to establish a wireless communication link.” *Id.* at 25 (emphasis omitted).

We are not persuaded by Appellant’s arguments. The Examiner found, and we agree, that Yao teaches “transmitting a probe request from the mobile communication device to the wireless access point, the probe request including the primary identifier assigned to the wireless network and a secondary identifier” indicating “multiple sub-networks.” Final Act. 11–12; Ans. 7–8. In particular, the Examiner relied on Yao’s “probe request management frame” and corresponding “probe response management frame [that] has the main SSID, main BSSID and the service element(s),” which includes a “sub-BSSID field 384.” Yao ¶¶ 20, 33–34, Figs. 3–4. The Examiner also relies on Zaks’s “Probe Request requesting security profile information for one or mo[r]e SSIDs” for an “access point . . . [that] indicates Multiple SSID support.” Zaks ¶ 37. Based on the teachings of Yao and Zaks, the Examiner found, and we agree, that the combination of Yao and Zaks teaches “transmitting a probe request from the mobile communication device to the wireless access point, the probe request including the primary identifier assigned to the wireless network and a secondary identifier specifying a selected one of the multiple sub-networks.” Ans. 8; Final Act. 12.

Appellant’s argument that “a query in Zaks (modified by Yao) would [not] include a primary identifier assigned to a wireless network as well as a secondary identifier specifying a selected one of the multiple sub-networks” because Zaks does not teach sub-networks (Appeal Br. 25–26) does not address the Examiner’s combination. In particular, the Examiner’s

combination relies on Yao to teach a primary identifier for a wireless network and a secondary identifier for a sub-network. Ans. 8 (citing Yao ¶ 20, Figs. 3–4); Final Act. 11. Appellant’s argument, however, does not address the Examiners reliance on those particular teachings in Yao in combination with Zaks’s teachings and, instead, argues a modification to Zaks that the Examiner does not make. As such, that argument does not persuade us of Examiner error.

Further, Appellant’s argument that Zaks’s request “is a request (query) for security profile information,” rather than a “selection of sub-network in which to establish a wireless communication link” (Appeal Br. 25), is not commensurate with the scope of the claim. The claim does not recite that the claimed “secondary identifier specifying a selected one of the multiple sub-networks” is used to establish a wireless communication link. In fact, the claim does not recite a use for the secondary identifier at all. Moreover, Zaks’s request for security profile information is used to establish a wireless communication link because Zaks requests security profile information in order for wireless stations and associated connecting devices to interoperate. Zaks ¶ 48 (“The security profile advertisement mechanism of the present invention allows the implementation of a WLAN network wherein stations obtain information on all available SSIDs that is interoperable with standard station implementations.”); *see id.* ¶ 51. Accordingly, we are not persuaded the Examiner erred in finding the combination of Yao and Zaks teaches, “transmitting a probe request from the mobile communication device to the wireless access point, the probe request including the primary identifier assigned to the wireless network and

a secondary identifier specifying a selected one of the multiple sub-networks,” as recited in claim 11.

Appellant further contends the Examiner erred in finding that either Yao or Zaks teaches, “in response to transmitting the probe request . . . receiving a probe response including the primary identifier and the secondary identifier,” as recited in claim 11. Appeal Br. 26; Reply Br. 11. Specifically, Appellant argues, “[n]either Yao nor Zaks sends a probe response including a primary identifier and a secondary identifier as it would serve no apparent useful purpose in the context of those respective communication systems.” Appeal Br. 26.

We disagree with Appellant that Yao does not send a probe response with primary and secondary identifiers. Instead, we agree with the Examiner’s finding that Yao teaches this limitation. Final Act. 11–12; Ans. 8. In particular, Yao describes a “probe response management frame has [a] main SSID, main BSSID,” i.e., primary identifiers. Yao ¶ 34, Fig. 4. Yao’s probe response further includes “service element(s).” *Id.* Those service elements include sub-BSSID 384 and sub-SSID 286, i.e., secondary identifiers specifying sub-networks. *Id.* at Fig. 3. Accordingly, we are not persuaded the Examiner erred in finding the combination of Yao and Zaks teaches, “in response to transmitting the probe request: receiving a probe response including the primary identifier and the secondary identifier,” as recited in claim 11.

Claims 28 and 45 recite similar limitations as claim 11, and we are not persuaded the Examiner erred for similar reasons as for claim 11. Claims 28 and 45 recite, “a probe request from the mobile communication device, the probe request including the primary identifier assigned to the wireless

network and a secondary identifier specifying a selected one of the multiple sub-networks,” and “transmitting [a] probe response to the mobile communication device,” which includes “the primary identifier and the secondary identifier.” Appellant presents similar arguments regarding claims 28 and 45 as it does regarding claim 11. Appeal Br. 27–29, 47–49. For similar reasons as above, we are not persuaded the Examiner erred in finding the combination of Yao and Zaks teaches, “a probe request from the mobile communication device, the probe request including the primary identifier assigned to the wireless network and a secondary identifier specifying a selected one of the multiple sub-networks,” and “transmitting [a] probe response to the mobile communication device” which includes “the primary identifier and the secondary identifier,” as recited in claims 28 and 45.

Claims 35–37, 40, 41, and 44

Appellant contends the Examiner erred in finding the combination of Yao and Zaks teaches certain limitations recited in claims 35–37, 40, 41, and 44. In particular, regarding claim 35, Appellant contends the combination of Yao and Zaks does not teach, “data including a first name and a second name, the first name indicating a first region, the first region serviced by the first wireless local area network, the second name indicating a second region, the second region serviced by the second wireless local area network.” Appeal Br. 30–31; Reply Br. 11–13. Regarding claim 36, Appellant contends the combination of Yao and Zaks does not teach, “the data including a first name and a second name, the first name indicating a first business at the general location, the first business sponsoring the first

wireless local area network at the general location, the second name indicating a second business at the general location.” Appeal Br. 32–34; Reply Br. 13–14. Regarding claim 37, Appellant contends the combination of Yao and Zaks does not teach, “display . . . a visual indication indicating the general location serviced by the wireless access point.” Appeal Br. 35–36; Reply Br. 14–15. Regarding claim 40, Appellant contends the combination of Yao and Zaks does not teach, “the primary identifier specifies a name assigned to the wireless network, the name indicating a point of interest serviced by the wireless access point.” Appeal Br. 39–40; Reply Br. 15–17. Regarding claim 41, Appellant contends the combination of Yao and Zaks does not teach a “name indicating a point of interest serviced by the wireless access point,” a “first name indicating “a first business,” and a “second name indicating a second business.” Appeal Br. 41–42; Reply Br. 17–18. Regarding claim 44, Appellant contends the combination of Yao and Zaks does not teach, “secondary identifier indicates an identity of a business sponsor present at the general location, the business sponsor sponsoring the selected wireless sub-network.” Appeal Br. 45–46; Reply Br. 19.

However, similar to our discussion above regarding claim 1, the limitations argued by Appellant are not given patentable weight. Like the limitation recited in claim 1, i.e., “the primary identifier indicating a general location serviced by the wireless access point,” the limitations at issue in claims 35–37, 40, 41, and 44 recite informational content conveyed in an electronic medium. The content of the information recited, however, has no functional relationship to any aspect of the claimed invention. Instead, as Appellant acknowledges, the nature of the information recited in the claims

conveys informational content rather than effecting some function recited in the claim. *See* Appeal Br. 31, 34, 36 (“[T]he claimed invention is useful because a respective mobile communication device may desire to connect to a wireless network supported by a particular business”); Reply Br. 4.

Accordingly, because we give no patentable weight to the limitations Appellant argues in claims 35–37, 40, 41, and 44, we are not persuaded the Examiner erred in finding claims 35–37, 40, 41, and 44 are obvious in view of the combination of Yao and Zaks.

Claim 38

Appellant contends the Examiner erred in finding Zaks teaches “storing network information associated with each of the multiple wireless sub-networks,” as recited in claim 38. Appeal Br. 37–38. In particular, Appellant argues “there is no indication that Zaks stores network information associated with each of the multiple wireless sub-networks in a manner as recited by the claimed invention.” *Id.* at 38.

We are not persuaded. The Examiner finds, and we agree, that Figure 4 of Zaks, showing “two WLANs being sub-networks of the main network at access point 252,” teaches “multiple wireless sub-networks.” Ans. 17. The Examiner points out (*id.*) that, in Zaks, user devices “are connected to the infrastructure through an Access Point (AP) that matches the security profile of the user” and “a connection from [an] STA[, i.e., a WLAN station,] to a specific network is maintained using a specific security profile” (Zaks ¶¶ 19–20). The Examiner finds, and we agree, that because the “security profiles,” i.e., “network information,” must be stored (maintained) for each sub network to have wireless connectivity, Zaks

teaches “storing network information associated with each of the multiple wireless sub-networks.” Ans. 17. Appellant does not respond to the Examiner’s findings and explanation in the Answer. *See* Reply Br. 2–19. Accordingly, we are not persuaded the Examiner erred.

Moreover, the Examiner finds claim 38 is unpatentable over the combination of Yao and Zaks. Claim 38 ultimately depends from claim 1. As discussed above, the Examiner found Yao discloses multiple wireless sub-networks. Final Act. 5 (citing Yao ¶¶ 27–28, 30–33). Appellant’s argument does not address the Examiner’s combination of Zaks with these disclosures of Yao.

Accordingly, we are not persuaded that the Examiner erred in finding the combination of Yao and Zaks teaches, “storing network information associated with each of the multiple wireless sub-networks,” as recited in claim 38.

Claim 42

Appellant contends the Examiner erred in finding Yao teaches, “the mobile communication device transmits the probe request to establish a wireless communication link with the wireless access point,” as recited in claim 42. Appeal Br. 43–44. As an initial matter, Appellant’s argument references limitations recited in claim 41, i.e., a “probe request indicating a selected sub-network of the multiple wireless sub-network,” from which claim 42 depends. Appellant argues that claim 42 requires “that the probe request, transmitted from the mobile communication device to establish the communication session, indicates a selected sub-network of the multiple wireless sub-networks,” but Yao “only indicates that the station associates

with the wireless access point using the information in the probe response.”
Appeal Br. 43.

We are not persuaded. As discussed above regarding claim 11, the Examiner found the combination of Yao, teaching sub-networks (Yao ¶¶ 20, 33–34, Figs. 3–4), and Zaks, teaching probe requests indicating a selected network out of multiple networks (Zaks ¶ 37), together teach a “probe request indicating a selected sub-network of the multiple wireless sub-network” (Final Act. 20–21). Further, the Examiner (Ans. 25) cites Yao’s description of “send[ing] out a probe request management frame to determine the available nodes or access points around it” in order to “associate or re-associate with the [wireless] access point” (Yao ¶¶ 47–48) to teach “transmit[ting] the probe request to establish a wireless communication link with the wireless access point.”

Appellant’s argument, that Yao (alone) does not teach the claimed probe request “indicates a selected sub-network” (Appeal Br. 43) does not address the Examiner’s finding that the combination of Yao and Zaks teaches a “probe request indicating a selected sub-network” (Final Act. 20–21). Accordingly, we are not persuaded the Examiner erred in finding the combination of Yao and Zaks teaches “the mobile communication device transmits the probe request to establish a wireless communication link with the wireless access point,” as recited in claim 42.

Claims 12, 15, 16, 29, 39, and 43

Appellant does not argue separate patentability for dependent claims 12, 15, 16, 29, 39, and 43, which depend directly or indirectly from claims 1,

11, and 21. *See* Appeal Br. 10–50. Accordingly, for reasons similar to those set forth above, we sustain the Examiner’s rejections of these claims as well.

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
37	112(a)	Written Description		37
1–3, 5, 6, 10, 20–23, 27, 30–33	102	Yao	1–3, 5, 6, 10, 20–23, 27, 30–33	
11, 12, 15, 16, 28, 29, 35–45	103	Yao, Zaks	11, 12, 15, 16, 28, 29, 35–45	
Overall Outcome			1–3, 5, 6, 10–12, 15, 16, 20–23, 27–33, 35–45	

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