



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.
13/319,147	01/18/2012	Dirk Kampmann	4015-7855 / P29298-US2	1039
24112	7590	02/05/2020	EXAMINER	
COATS & BENNETT, PLLC 1400 Crescent Green, Suite 300 Cary, NC 27518			COSME, NATASHA W	
			ART UNIT	PAPER NUMBER
			2465	
			MAIL DATE	DELIVERY MODE
			02/05/2020	PAPER

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte DIRK KAMPMANN, KARL HELLWIG, PHILLIP HODGES
and PAUL SCHILWA-BERTLING

Appeal 2019-000947
Application 13/319,147
Technology Center 2400

Before ALLEN R. MacDONALD, KALYAN K. DESHPANDE, and
DANIEL N. FISHMAN, *Administrative Patent Judges*.

MacDONALD, *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 24–28, 32–35, 37–39, 41–45, 47 and 50–56. Appeal Br. 6–18. Claims 1–23, 29, 36, 40, 46, 48, and 49 have been cancelled (Final Act. 2), and claims 30 and 31 have been objected to as being dependent upon a rejected base claim (Final Act. 28). We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ Appellant identifies the real party in interest as Telefonaktiebolaget L M Ericsson (publ). Appeal Br. 2.

CLAIMED SUBJECT MATTER

Claims 37 and 42 are illustrative of the claimed subject matter (emphasis, formatting, and bracketed material added):

37. A Radio Access Network adapted for providing local switching for call legs of a call, comprising:
- [A.] a receiver circuit configured *to receive* a handover message from a Core Network,
 - [i.] the handover message comprising ***a call identifier for a leg of a call***,
 - [ii.] wherein the call identifier ***uniquely identifies the first leg of the call*** to be handed over to the Radio Access Network;
 - [B.] memory configured *to store* the received call identifier;
 - [C.] a control circuit operatively connected to the receiver circuit and the memory, and being configured to:
 - [i.] *compare* the received call identifier with previously stored call identifiers for call legs of calls supported by the Radio Access Network Node;
 - [ii.] *determine if* the received call identifier *matches* one of the previously stored call identifiers; and
 - [iii.] *provide* local switching between the call legs that correspond to the matching call identifiers.
42. A Core Network Node in a Core Network adapted for providing local switching for call legs of a call, comprising:
- [A.] a receiver circuit configured to[:]
 - [i.] receive or [] generate, in the course of a handover for a leg of a call, ***a first call identifier*** generated by the Core Network for the leg of the call,
 - [ii.] wherein the ***first call identifier uniquely identifies*** the leg of the call to be handed over;

- [B.] memory configured *to store* the first a first call identifier;
- [C.] a control circuit operatively connected to the receiver circuit and the memory, and the control circuit being configured to:
 - [i.] *identify* a respective Radio Access Network for the leg of the call;
 - [ii.] *compare* the first call identifier with previously stored call identifiers for call legs of calls supported by the identified Radio Access Network;
 - [iii.] *determine if* the first call identifier *matches* one of the previously stored call identifiers; and
 - [iv.] *initiate*, in the identified Radio Access Network, local switching of the call legs that correspond to the matching call identifiers.

REFERENCES²

The prior art relied upon by the Examiner is:

Name	Reference	Date
Highland	US 5,970,134	Oct. 19, 1999
Costa	US 2002/0097693 A1	July 25, 2002
Segal	US 2005/0119005 A1	June 02, 2005
Tamura	US 2008/0108356 A1	May 08, 2008
Parolari	US 2011/0110295 A1	May 12, 2011

² All citations herein to patent and pre-grant publication references are by reference to the first named inventor only.

REJECTIONS³

A.

The Examiner rejects claims 24–27, 32–34, 37, 38, 41–44, 47, 50, 52, and 54, under 35 U.S.C. § 103 as being unpatentable over the combination of Costa and Segal. Final Act. 6–22.

Appellant argues separate patentability for claim 37 and 42. To the extent that Appellant discusses claims 24, 32, 47, and 50, Appellant merely repeats or references the arguments directed to claims 37 and 42. Such a repeated argument (or referenced argument) is not an argument for “separate patentability.” Thus, Appellant does not present separate arguments for claims 24, 32, 47, and 50. We select claims 37 and 42 as the representative claims for this rejection. Except for our ultimate decision, we do not address claims 24–27, 32–34, 38, 41, 43, 44, 47, 50, 52, and 54 further herein.

B.

The Examiner rejects claims 28, 35, 39, and 45 under 35 U.S.C. § 103 as being unpatentable over the combination of Costa, Segal, and Highland. Final Act. 22–24.

Appellant does not present arguments for claims 28, 35, 39, and 45. Thus, the rejection of these claims turns on our decision as to claims 37 and 42. Except for our ultimate decision, we do not address the § 103 rejections of claims 28, 35, 39, and 45 further herein.

³ For convenience, we refer to all 35 U.S.C. § 103(a) rejections herein as rejections under 35 U.S.C. § 103.

C.

The Examiner rejects claims 51 and 56 under 35 U.S.C. § 103 as being unpatentable over the combination of Costa, Segal, and Parolari. Final Act. 25–26.

Appellant does not present arguments for claims 51 and 56. Thus, the rejection of these claims turns on our decision as to claim 37. Except for our ultimate decision, we do not address the § 103 rejections of claims 51 and 56 further herein.

D.

The Examiner rejects claims 53 and 55 under 35 U.S.C. § 103 as being unpatentable over the combination of Costa, Segal, and Tamura. Final Act. 26–28.

We select claim 53 as the representative claim for this rejection. Appellant does not argue separate patentability for claim 55. Except for our ultimate decision, we do not address the § 103 rejections of claim 55 further herein.

OPINION

We have reviewed the Examiner’s rejections in light of Appellant’s Appeal Brief and Reply Brief arguments.

A.1.

Appellant raises the following argument in contending that the Examiner erred in rejecting claim 37 under 35 U.S.C. § 103.

Rather than utilizing a call identifier that uniquely identifies a first leg of a call, *Costa teaches local switching based on identification of a call generally and not a particular leg of a call*. For instance, Costa teaches that a radio network controller

provides information when setting up a call including its own radio network controller identifier and the mobile identifier IMSI of a user equipment. ¶ [0021]; Fig. 2 (reproduced below). The Office errs in asserting that Costa's IMSI *identifies a particular leg* of a call. See Final Office Action, mailed Dec. 12, 2017, p. 4, ll. 2-3. Costa's mobile identifier is not used to identify a leg of a call as alleged by the Office. The IMSI would apply to all legs of the call originating from the user equipment.

Appeal Br. 8 (additional emphasis added).

We are unpersuaded by Appellant's argument. The Specification describes call legs as follows:

[T]he call once established will consist of two call legs, *a first call leg* from the originating, first UE 300 [user equipment 300] to the Radio Access Network 10, and a second call leg from the Radio Access Network 10 to the terminating, second UE 310.

Spec. 5, ll. 16–18. Costa describes a call as follows:

[B]oth of the mobiles **18**, **19** have an International Mobile Switching Identifier (IMSI) which will be referred to as UE **1** [user equipment 1] and UE **2** respectively, and that mobile **18** initiates a call to mobile **19**. In the arrangement according to the invention as shown in **FIG. 2**, the RNC **22** [radio network controller] provides on the uplink to the CN **10** [core network] when setting up the call from the mobile **18** its own identifier RNC ID, and **the mobile identifier IMSI UE 1**, as indicated at reference **30**. The RNC **22** also stores this information. The CN **10** sends this information on the downlink, reference **32**, and it is received by the same RNC **22**. Similarly, data related to mobile **19**, i.e. the identity of RNC **10**, RNC ID, and **the identifier of the mobile 19, IMSI UE 2**, are also sent by the RNC **22** to the CN **10**, reference **34**, and are received from the CN, reference **36**.

Costa ¶ 21 (additional emphasis added). We agree with the Examiner's finding that Costa teaches "receiving a . . . message from a Core Network, the ... message comprising a call identifier for a first leg of a call." Final Act. 7.

To the extent that Appellant is arguing the Examiner fails to show some “particular” limitation be placed on the claim by the use of the label “first” in the phrase “the first leg of the call,” we disagree. Appellant describes “a *first* call leg from the originating, first UE 300 to the Radio Access Network 10” (Spec. 5 (emphasis added)) and Costa teaches the same first call leg as described at paragraph 21 and shown at Figure 2.

A.2.

Also, Appellant raises the following argument in contending that the Examiner erred in rejecting claim 37 under 35 U.S.C. § 103.

Segal never teaches any sort of identifier to uniquely identify a call leg. The Office in rejecting claim 37 cites to Segal’s teachings in paragraph [0033] that refers to identifying to a user of a wireless communication unit the on-hold call itself coming into the target network as different from other calls. Final Office Action, mailed Dec. 12, 2017, p. 14. Thus, *the identifier in Segal*, like the identifier in Costa, *does not uniquely identify the first leg of the call but rather the call generally.* For instance, Segal suggests a “call information” including the “calling party identifier,” “the number of the communication unit” or “CLI (calling line identifier) of the network switch” (i.e. the caller’s phone number). Exhibit A. Thus, *all of this information would be the same for each leg of the call because it is call information and not call leg information.*

Appeal Br. 8–9 (additional emphasis added).

We note that Segal states:

In overview, the present disclosure concerns wireless communication devices or units, often referred to as *communication units*, such as portable or *cellular phones* or handsets or two-way radios and the like and communication networks or systems that provide services such as voice and data communication services to or for such communication units.

Segal ¶ 11 (emphasis added).

We are unpersuaded by Appellant’s argument. We determine the calling line identifier (CLI), as stated in Segal ¶ 33, identifies “the number of the communication unit itself.” Thus, we determine the CLI identifies the first call leg and not the call generally as argued by Appellant.

A.3.

Further, Appellant raises the following argument in contending that the Examiner erred in rejecting claim 37 under 35 U.S.C. § 103.

According to the Office, “Segal was introduced to clarify that it’s well known to have a handover and be able to distinguish the first leg call from other fixed calls.” *Id.* at p. 4. The existence of handover ***does not explain how or why it would be obvious to receive a handover message*** comprising a call identifier that uniquely identifies the first leg of the call to be handed over to the Radio Access Network. The Office’s rationale to modify Costa in view of Segal fares no better. . . . The Office rationale to modify Costa in view of Segal is related to issues involved in handover of an already set up call (an “on-hold call”). . . . The Office has not explained why this would be applicable to Costa’s teachings related to call set-up and why or how you would modify Costa’s exchange of an IMSI during call set-up to instead have a handover message comprising a call identifier that uniquely identifies the first leg of a call to be handed over to the Radio Access Network. Certainly this modification would ***change the principle of operation*** of Costa related to a call setup.

Appeal Br. 11 (emphasis added).

Essentially, Appellant asserts that extending the benefits of Costa’s call setup process to call handovers such as Segal’s would result in “chang[ing] the principle of operation of Costa related to a call setup.” Beyond this assertion, we do not find where Appellant explains why this result would occur, and our review does not find any resulting change in Costa’s principle of operation. Therefore, we are unpersuaded by Appellant’s argument.

B.

Also, Appellant raises the following argument in contending that the Examiner erred in rejecting claim 42 under 35 U.S.C. § 103.

The Office errs in citing to Costa's radio network controller as the recited Core Network Node. Office Action, pp. 15-16. A radio network controller is not in a Core Network. This is well-known and explicitly shown in Costa in which the RNC is separate from the core network (CN) 10. . . .

The Office does not provide any explanation as to why it would be obvious to implement the claimed core network node based on teachings related to a radio network controller.

Appeal Br. 12.

Stated briefly, Appellant argues "Segal fails to teach how or why it would be obvious to implement Costa's comparison in a core network."

Appeal Br. 13 (first full paragraph, last sentence). We disagree. Segal discloses that its key point is moving system functionality, particularly local switching control, between the core network and the radio network controller as is "appropriate." *See* Segal ¶¶ 5–8. We determine that, contrary to Appellant's argument, Segal does establish that it would be obvious to implement the claimed core network node functionality based on teachings related to functionality of a radio network controller.

C.

Appellant raises the following argument in contending that the Examiner erred in rejecting claim 53 under 35 U.S.C. § 103.

The global call reference identifier in Tamura is not generated in a Core Network. It also is not used to identify a call leg but is used to signal that a message is for all calls. Further, it would not be obvious how or why you would use such an identifier to uniquely identify a first leg to be handed over to a

RAN when the identifier taught in Tamura is used to signal no distinctions between calls and would apply to all calls.

Appeal Br. 17 (emphasis added).

We are unpersuaded by Appellant’s argument. Appellant does not address the actual reasoning of the Examiner’s rejection. Instead, Appellant attacks the Tamura reference singly for lacking a teaching that the Examiner relied on a combination of Costa, Segal, and Tamura to show. In particular, the rejection does not rely on Tamura for teaching the “global call reference identifier . . . generated in a Core Network” (Appeal Br. 17) aspect disputed by Appellant. Rather, the Examiner relied on the combination of Costa and Segal to show “the received call identifier is based on a . . . identifier generated within the Core Network” (Final Act. 27), and relied on Tamura to show a global call reference identifier was known. The Examiner reasoned that it would have been obvious to modify the call identifier of Costa/Segal to include functionality from Tamura’s global call reference identifier (i.e., identify the functions of the message transmitted). Final Act. 27. One cannot show nonobviousness by attacking references individually when the rejection is based on a combination of references. *In re Merck & Co. Inc.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986); *see also In re Keller*, 642 F.2d 413, 425 (CCPA 1981) (explaining the relevant inquiry is whether the claimed subject matter would have been obvious to those of ordinary skill in the art in light of the *combined teachings* of those references).

CONCLUSION

The Examiner has not erred in rejecting claims 24–28, 32–35, 37–39, 41–45, 47 and 50–56 as being unpatentable under 35 U.S.C. § 103.

The Examiner’s rejections of claims 24–28, 32–35, 37–39, 41–45, 47 and 50–56 as being unpatentable under 35 U.S.C. § 103 are **affirmed**.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
24–27, 32–34, 37, 38, 41–44, 47, 50, 52, 54	103	Costa, Segal	24–27, 32–34, 37, 38, 41–44, 47, 50, 52, 54	
28, 35, 39, 45	103	Costa, Segal, Highland	28, 35, 39, 45	
51, 56	103	Costa, Segal, Parolari	51, 56	
53, 55	103	Costa, Segal, Tamura	53, 55	
Overall Outcome			24–28, 32–35, 37–39, 41–45, 47, 50–56	

TIME PERIOD FOR RESPONSE

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