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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/937,303	11/10/2015	Ljupco Jorguseki	12-1172-US-CON	1183
20306 7590 01/20/2016 MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606			EXAMINER GESESSE, TILAHUN	
			ART UNIT 2649	PAPER NUMBER
			MAIL DATE 01/20/2016	DELIVERY MODE 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.

Office Action Summary	Application No. 14/937,303	Applicant(s) JORGUSEKI ET AL.	
	Examiner TILAHUN B. GESESSE	Art Unit 2649	AIA (First Inventor to File) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/10/15.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

- 5) ☒ Claim(s) 16 and 17 is/are pending in the application.
5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 16 and 17 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

- a) ☒ All b) ☐ Some** c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date 11/10/15
- 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 4) ☐ Other: KPN Ex. 2001, Page 2

1. The present application is being examined under the pre-AIA first to invent provisions.

DETAILED ACTION

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 16-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a judicial exception (i.e., a law of nature, a natural phenomenon, or an abstract idea)

without significantly more. Claim(s) 1 and 2 is/are directed to "receive in the active cell measurement parameters and/or reporting parameters to obtain information regarding a presence signal from the at least one inactive cell; receive the presence signal in the at least one inactive cell; obtain a measurement report regarding the presence signal in the inactive cell and provide the measurement report to the telecommunications infrastructure via the active cell. ". The claim(s) does/do not include additional elements that are sufficient to amount to significantly more than the judicial exception because the subject matter recited in claim 1, "receive in the active cell measurement parameters and/or reporting parameters to obtain information regarding a presence signal from the at least one inactive cell; receive the presence signal in the at least one inactive cell; obtain a measurement report regarding the presence signal in the inactive cell and provide the measurement report to the telecommunications infrastructure via

the active cell.” receive in the active cell measurement parameters and/or reporting parameters to obtain information regarding a presence signal from the at least one inactive cell, is a natural phenomenon can be practiced by human activity such as an active cell measurement can be a human cell measured in a laboratory and reported about the measurement of sign one of the cells is inactive and inter to database of communication apparatus. therefore, the claim is rejected under 35 USC 101 because the claim is directed to a judicial exception i.e., a natural phenomenon (see flow chart of of Alice analysis 2A). .

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of pre-AIA 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 16-17 are rejected under pre-AIA 35 U.S.C. 102(e) as being anticipated by Frenger et al (US 2012/0094661). Claim 16, Frenger et al discloses a terminal configured for operating in a wireless access telecommunication infrastructure comprising an active cell and at least one inactive cell, see figure 1 where BS1 and BS2 “telecommunication infrastructure” are serving cells RC1 and RC2 and plurality of mobile terminals (T1-T5) in both cells and see [0022-0025]. Frenger et al discloses receive in the active cell measurement parameters and/or reporting parameters to

obtain information regarding a presence signal from the at least one inactive cell (see [0041] where receive the measurement parameter such as RSRP, (see 0030) where the parameter is less than the threshold are in active cell. Frenger et al discloses receive the presence signal in the at least one inactive cell see [0041] where the cells that are with parameters less than the threshold are inactive cells [0042-0043] and figure 4. Frenger et al discloses provide the measurement report to the telecommunications infrastructure via the active cell (see [0042-0043] and figure 4.

Claim 17 Frenger et al discloses receive a reporting identifier in the inactive cell; recognize the reporting identifier; and include the reporting identifier in the measurement report (see [0040] where BS2 command to terminal T4 , see fig. 1 and 2 to perform handover from CR2 to cell RC1 BS1.

Examiner Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

Art Unit: 2649

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B. Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yuwen Pan can be reached on 571-272-7855. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tilahun Gesesse/

Primary Examiner, Art Unit 2649

Notice of References Cited	Application/Control No. 14/937,303		Applicant(s)/Patent Under Reexamination JORGUSEKI ET AL.	
	Examiner TILAHUN B. GESESSE		Art Unit 2649	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-2012/0094661 A1	04-2012	Frenger; Pal	H04W52/343	455/434
*	B	US-2011/0092212 A1	04-2011	Kubota; Mitsuhiro	H04W52/0225	455/436
*	C	US-8,467,798 B2	06-2013	Lee; Seon Don	H04W36/22	455/450
*	D	US-8,121,093 B2	02-2012	Chen; Teming	H04W48/20	370/331
*	E	US-2014/0302856 A1	10-2014	Nory; Ravikiran	H04W48/10	455/437
*	F	US-2010/0093355 A1	04-2010	Voyer; Nicolas	H04W36/04	455/436
	G	US-				
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.