DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 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.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 10 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Scott (US PAT 6094421).

In regards to claims 1 and 10 Scott anticipates for using in a wireless access network (Figure 3a element 301, a cellular environment for a communication system), comprising a plurality of base stations (figure 3a, element 304), each of plurality of base stations capable of bidirectional time division duplex (TDD) communication (column 5 lines 62-65, user stations 302 and base stations 304 may communicate using time

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division duplex communication techniques) with wireless access devices (figure 3a element 302) disposed at a plurality of subscriber premises in an associated cell site (figure 3a, cells associated with user stations 302) of wireless access network, a transceiver (column 16 lines 51-52, a transmitter 807, a receiver 809 and fig 8A) associated with a first of plurality of base stations comprising:

transmit path circuitry (column 16 lines 51-52, a transmitter 807 and fig 8A) associated with a beam forming network capable of transmitting directed scanning beam signals (figure 3a and column 22 line 61, directional antenna) in a sector of a cell site associated with first base station, wherein transmit path circuitry transmits at a start of a TDD frame a broadcast beam signal (column 20 lines 25-33, In each transmit time slot 574, rather than sending a message directed to a single user station 302, the base station 304 sends an interleaved message 578 containing a sub-message 589, for each of the user stations 302 (or a sub-message 589 for general polling or other functions if the receive time slot is unoccupied)) comprising a start of frame field (figure 11a, element 1102, preamble) capable of synchronizing (column 5 lines 1-5, The base station may precede their main data transmissions with a preamble, such as, for example, where desired for synchronization of spread spectrum communication signals or for conducting power control) and subsequently transmits downlink data traffic in a downlink portion (figure 507 element 502) of TDD frame (figure 5b, element 551) to at least one of wireless access devices using at least one directed scanning beam signal (figure 3a and column 22 line 61, directional antenna).

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In regards to claims 2, 11 and 20 broadcast beam signal further comprising a first beam map (column 10 lines 55-64, a brief header 550) containing scanning beam information (column 10 lines 55-64, indicating whether or not the particular slot pair 510, 511 is available) usable by said at least one wireless access device to detect least one directed scanning beam signal is anticipated by (column 10 lines 55-64) by the steps of during facilitation of initial communication between a base station 304 and a user station 302, each base transmission during a transmit time slot 510 may have a brief header 550 preceding a data link message 551 indicating whether or not the particular slot pair 510, 511 is available. If a slot pair 510, 511 is available, a user station 302 desiring to establish communication with the base station 304 responds with a brief reply message 562 in the receive time slot 511 of the slot pair 510, 511.

In regards to claims 3, 12 and 21 scanning beam information identifying a downlink time slot in downlink portion (column 10 lines 55-64, by the steps of during facilitation of initial communication between a base station 304 and a user station 302, each base transmission during a transmit time slot 510 may have a brief header 550 preceding a data link message 551 indicating whether or not the particular slot pair 510, 511 is available) during which at least one directed scanning beam signal transmits downlink data traffic is anticipated by (column 10 lines 55-64) a slot pair 510, 511 if being available, a user station 302 desiring to establish communication with the base station 304 responds with a brief reply message 562 in the receive time slot 511 of the slot pair 510, 511.

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In regards to claims 6, 15, 24, receive path circuitry (column 16 lines 51-52, a receiver 809 and Fig 8A) associated with said beam forming network capable of receiving uplink data traffic transmitted by at least one wireless access device in an uplink portion of said TDD frame (figure 7 element 504, Reception).

In regards to claims 7, 16 and 25 Scott anticipates, first beam map further contains uplink transmission information identifying an uplink time slot (column 8 lines 61-67, receive time slot 511) in uplink portion (figure 7 element 504) during which said at least one wireless access device transmits said uplink data traffic (column 8 lines 61-67) is anticipated by the user station 302 receiving a base transmission from the first transmit time slot 510 is the first to send a responsive user transmission in the first receive time slot 511, the user station 302 receiving the base transmission from the second transmit time slot 510 is the second to send a responsive user transmission in the second receive time slot 511, and so on. In this manner, the base station 304 sends a series of consecutive base transmissions, each directed to a separate user station 302, and receives a series of consecutive user transmissions in matching return order.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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4. Claims 4, 5, 13, 14, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott in view of Baum et al. (Performance analysis of an adaptive OFDM packet data system; Broadband Communications, 2000. Proceedings. 2000 International Zurich Seminar on 15-17 Feb. 2000 Page(s):237 – 243), hereinafter referred to as Baum.

In regards to claims 4, 5, 13, 14, 22 and 23, Scott teaches using TDD for data communication between base stations and user units as described in the rejections of claims 1, 10 and 19 above.

In regards to claims 4, 5, 13, 14, 22 and 23, Scott does not explicitly teach scanning beam information identifies at least one modulation format and one forward error correction code level associated with at least one directed scanning beam signal.

In regards to claims 4, 13 and 22, Baum teaches (page 238, column 1, second paragraph) before transmission, fragments are FEC encoded with a 64-state rate-compatible punctured convolution (RCPC) code, interleaved, and mapped to a modulation scheme.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Scott's teaching by incorporating the inclusion of modulation scheme as taught by Baum. The motivation is that (as suggested by Baum, page 237, column 2, System Overview, first paragraph) a portion of the downlink interval contains control information that assigns the downlink and uplink resources to a

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specific combination of subscriber units in the current frame. This provides a true "bandwidth on demand" capability in the system.

Allowable Subject Matter

5. Claim8, 9, 17, 18, 26 and 27 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Prior art pertinent to the application but not used in office action:

- US 6470057 B1 USPAT Method for timing recovery and compensation in time-division-duplex wireless communications Hui; Liu et al.

- Wireless in-building network architecture and protocols
  Buchholz, D.; Odlyzko, P.; Taylor, M.; White, R.; Communications, 1992. ICC 92, Conference record, SUPERCOMM/ICC '92, Discovering a New World of Communications. IEEE International Conference on 14-18 June 1992
  Page(s):1025 - 1031 vol.2

- Integrated video and data transmission in the TDD ALOHA-reservation wireless LAN Tasaka, S.; Hayashi, K.; Ishihashi, Y.; Communications, 1995. ICC 95 Seattle, Gateway to Globalization, 1995 IEEE International Conference on Volume 3, 18-22 June 1995 Page(s):1387 - 1393 vol.3.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salman Ahmed whose telephone number is (571)272-8307. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571)272-3174. 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).

Salman Ahmed
Examiner
Art Unit 2666

SA

Seema S. Rao
SEEMA S. RAO 1/6/06
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

PETITIONER NOKIA
Ex.1012

OIPE JC71
FEB 06 2003
PATENT & TRADEMARK OFFICE

PTO/SB/08A (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

Complete if Known	
Application Number	09/948,059
Filing Date	September 5, 2001
First Named Inventor	Paul F. Struhsaker
Art Unit	2681
Examiner Name	Not yet assigned
Attorney Docket Number	WEST14-00103

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number - Kind Code[2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
SA	AA	US- 6,181,955	01/30/2001	Dartois	
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3] -Number[4] - Kind Code[5] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T[6]
SA	AB	WO 96/37970	11/28/1996	Nokia Telecommunications OY		

Examiner Signature		Date Considered	1/7/06

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] Applicant's unique citation designation number (optional). [2] See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. [6] Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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OIPE JC71
FEB 06 2003
PATENT & TRADEMARK OFFICE

PTO/SB/08B (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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Substitute for form 1449B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 2 of 2

Complete if Known	
Application Number	09/948,059
Filing Date	September 5, 2001
First Named Inventor	Paul F. Struhsaker
Group Art Unit	2681
Examiner Name	Not yet assigned
Attorney Docket Number	WEST14-00103

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.[1]	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T[2]
SA	AC	BENYAMIN-SEEYAR, Anader, et al; "DRAFT DOCUMENT FOR SC-FDE PHY LAYER SYSTEM FOR SUB 11 GHz BWA"; XP-002224912; IEEE 802.16.3c01-58r2; IEEE 802.16 Broadband Wireless Access Working Group, 'Online!; May 17, 2001; pages 0-87;	
SA	AD	LEIBA, Yigal, et al.; "MAC AND PHY SUPPORT FOR AAS"; XP-002224913; IEEE C802.16a-02/49; IEEE 802.16 Broadband Wireless Access Working Group, 'Oneline!; May 10, 2002, pages 1-10	

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Examiner Signature		Date Considered	1.7.06

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] Applicant's unique citation designation number (optional). [2] Applicant is to place a check mark here if English language Translation is attached.

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Ex.1012

Notice of References Cited	Application/Control No. 09/948,059	Applicant(s)/Patent Under Reexamination STRUHSAKER, PAUL F.	
	Examiner Salman Ahmed	Art Unit 2666	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,094,421	07-2000	Scott, Logan	370/280
*	B	US-6,470,057	10-2002	Hui et al.	375/294
	C	US-			
	D	US-			
	E	US-			
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FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Baum et al. (Performance analysis of an adaptive OFDM packet data system; Broadband Communications, 2000. Proceedings. 2000 International Zurich Seminar on 15-17 Feb. 2000 Page(s):237 – 243)
	V	·Wireless in-building network architecture and protocols Buchholz, D.; Odlyzko, P.; Taylor, M.; White, R.; Communications, 1992. ICC 92, Conference record, SUPERCOMM/ICC '92, Discovering a New World of Communications. IEEE International Conference on 14-1
	W	·Integrated video and data transmission in the TDD ALOHA-reservation wireless LAN Tasaka, S.; Hayashi, K.; Ishihashi, Y.; Communications, 1995. ICC 95 Seattle, Gateway to Globalization, 1995 IEEE International Conference on Volume 3, 18-22 June 1995 Page
	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Bib Data Sheet

CONFIRMATION NO. 5591

SERIAL NUMBER	FILING DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
09/948,059	09/05/2001 RULE	455	2681	WEST14-00103

APPLICANTS

Paul F. Struhsaker, Plano, TX;

(VERIFIED)

** CONTINUING DATA **********

THIS APPLN CLAIMS BENEFIT OF 60/262,712 01/19/2001
AND CLAIMS BENEFIT OF 60/262,825 01/19/2001
AND CLAIMS BENEFIT OF 60/262,698 01/19/2001
AND CLAIMS BENEFIT OF 60/262,827 01/19/2001
AND CLAIMS BENEFIT OF 60/262,826 01/19/2001
AND CLAIMS BENEFIT OF 60/262,951 01/19/2001
AND CLAIMS BENEFIT OF 60/262,824 01/19/2001
AND CLAIMS BENEFIT OF 60/263,101 01/19/2001
AND CLAIMS BENEFIT OF 60/263,097 01/19/2001
AND CLAIMS BENEFIT OF 60/273,579 03/05/2001
AND CLAIMS BENEFIT OF 60/262,955 01/19/2001
AND CLAIMS BENEFIT OF 60/262,708 01/19/2001
AND CLAIMS BENEFIT OF 60/273,689 03/05/2001
AND CLAIMS BENEFIT OF 60/273,757 03/05/2001
AND CLAIMS BENEFIT OF 60/270,378 02/21/2001
AND CLAIMS BENEFIT OF 60/270,385 02/21/2001
AND CLAIMS BENEFIT OF 60/270,430 02/21/2001

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** FOREIGN APPLICATIONS **********

(NONE)

IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** SMALL ENTITY **
** 10/06/2001

		STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
Foreign Priority claimed	☐ yes ☒ no	TX	14	27	3
35 USC 119 (a-d) conditions met	☐ yes ☒ no ☐ Met after Allowance				
Verified and Acknowledged	Examiner's Signature / Initials SA				

ADDRESS

NOVAKOV DAVIS & MUNCK
A PROFFESSIONAL CORPORATION
900 THREE GALLERIA TOWER
13155 NOEL ROAD
DALLAS , TX 75240

TITLE

Wireless access system using selectively adaptable beam forming in TDD frames and method of operation

☐ All Fees

PETITIONER NOKIA
Ex.1012

Index of Claims

Application/Control No.	Applicant(s)/Patent under Reexamination
09/948,059	STRUHSAKER, PAUL F.
Examiner	**Art Unit**
Salman Ahmed	2666

√	Rejected	–	(Through numeral) Cancelled	N	Non-Elected	A	Appeal
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Claim		Date								
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Search Notes

Application/Control No.	Applicant(s)/Patent under Reexamination	
09/948,059	STRUHSAKER, PAUL F.	
Examiner	**Art Unit**	
Salman Ahmed	2666	

SEARCHED			
Class	Subclass	Date	Examiner
370	280	1/4/2006	SA
370	347	1/4/2006	SA
370	252	1/4/2006	SA
370	350	1/4/2006	SA
370	347-348	1/4/2006	SA

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner
See interference search		1/4/2006	SA

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
See attached search history	1/4/2006	SA
IEEE, google and inventorship search	1/4/2006	SA

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Ex.1012

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PATENT & TRADEMARK OFFICE

DOCKET NO. WEST14-00103
Customer No. 23990

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	:	Paul F. Struhsaker
Serial No.	:	09/948,059
Filed	:	September 5, 2001
For	:	WIRELESS ACCESS SYSTEM USING SELECTIVELY ADAPTABLE BEAM FORMING IN TDD FRAMES AND METHOD OF OPERATION
Group No.	:	2666
Examiner	:	Salman Ahmed

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT AND RESPONSE TO OFFICE ACTION

A two month extension of time is believed to be required. An appropriate petition and fee are enclosed. A fee of $50.00 for two additional dependent claims.

No further fees are believed to be necessary; however, in the event that any additional fees are required for the prosecution of this application, please charge any necessary fees to Deposit Account No. 50-0208. No further extension of time is believed to be necessary. If, however, an additional extension of time is needed, the extension is requested and please charge the fee for this extension to Deposit Account No. 50-0208.

05/19/2006 FFANAEIA 00000042 09948059
02 FC:2202 50.00 OP

PETITIONER NOKIA
Ex.1012

In response to the Office Action dated January 10, 2006, please amend the above-identified application as follows:

P. 246

PETITIONER NOKIA
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AMENDMENTS TO THE CLAIMS:

Please amend the claims as follows, substituting any amended claim(s) for the corresponding pending claim(s):

1. (Currently Amended) For use in a wireless access network comprising a plurality of base stations, each of said plurality of base stations capable of bidirectional time division duplex (TDD) communication with wireless access devices disposed at a plurality of subscriber premises in an associated cell site of said wireless access network, a transceiver associated with a first of said plurality of base stations comprising:

transmit path circuitry associated with a beam forming network capable of transmitting directed scanning beam signals each directed to substantially only wireless access devices within a different one of a plurality of sectors of a cell site associated with said first base station, wherein said transmit path circuitry

transmits, at a start of a TDD frame, a broadcast beam signal to wireless access devices within more than one of said sectors, the boradcast beam signal comprising a start of frame field, and

subsequently transmits, in a downlink portion of said TDD frame, first downlink data traffic to substantially only ~~at least one of said~~ wireless access devices within one of said sectors using ~~at least~~ one of said directed scanning beam signals.

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2. (Currently Amended) The transceiver as set forth in Claim 1 wherein said broadcast beam signal further comprises a first beam map containing scanning beam information usable by said ~~at least one~~ wireless access devices to detect said ~~least one~~ directed scanning beam signals.

3. (Currently Amended) The transceiver as set forth in Claim 2 wherein said scanning beam information identifies a downlink time slot in said downlink portion during which said ~~at least~~ one of said directed scanning beam signals transmits said downlink data traffic.

4. (Currently Amended) The transceiver as set forth in Claim 3 wherein said scanning beam information identifies at least one modulation format associated with said ~~at least~~ one of said directed scanning beam signals.

5. (Currently Amended) The transceiver as set forth in Claim 3 wherein said scanning beam information identifies at least one forward error correction code level associated with said ~~at least~~ one of said directed scanning beam signals.

6. (Currently Amended) The transceiver as set forth in Claim 2 further comprising receive path circuitry associated with said beam forming network capable of receiving uplink data traffic transmitted by ~~said~~ at least one wireless access device in an uplink portion of said TDD frame.

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7. (Original) The transceiver as set forth in Claim 6 wherein said first beam map further contains uplink transmission information identifying an uplink time slot in said uplink portion during which said at least one wireless access device transmits said uplink data traffic.

8. (Original) The transceiver as set forth in Claim 7 wherein said uplink transmission information further identifies at least one modulation format used by said at least one wireless access device to transmit said uplink data traffic.

9. (Original) The transceiver as set forth in Claim 8 wherein said uplink transmission information further identifies at least one at least one forward error correction code level used by said at least one wireless access device to transmit said uplink data traffic.

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10. (Currently Amended) A fixed wireless access network comprising:

a plurality of base stations, each of said base stations capable of bidirectional time division duplex (TDD) communication with wireless access devices disposed at a plurality of subscriber premises in a cell site associated with said each base station, wherein said each base station comprises:

transmit path circuitry associated with a beam forming network capable of transmitting directed scanning beam signals each directed to substantially only wireless access devices within a different one of a plurality of sectors of a cell site associated with said first base station, wherein said transmit path circuitry

transmits, at a start of a TDD frame, a broadcast beam signal to wireless access devices within more than one of said sectors, the boradcast beam signal comprising a start of frame field, and

subsequently transmits, in a downlink portion of said TDD frame, first downlink data traffic to substantially only ~~at least one of said~~ wireless access devices within one of said sectors using ~~at least~~ one of said directed scanning beam signals.

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11. (Currently Amended) The fixed wireless access network as set forth in Claim 10 wherein said broadcast beam signal further comprises a first beam map containing scanning beam information usable by said ~~at least one~~ wireless access devices to detect said ~~least one~~ directed scanning beam signals.

12. (Currently Amended) The fixed wireless access network as set forth in Claim 11 wherein said scanning beam information identifies a downlink time slot in said downlink portion during which said ~~at least~~ one of said directed scanning beam signals transmits said downlink data traffic.

13. (Currently Amended) The fixed wireless access network as set forth in Claim 12 wherein said scanning beam information identifies at least one modulation format associated with said ~~at least~~ one of said directed scanning beam signals.

14. (Currently Amended) The fixed wireless access network as set forth in Claim 12 wherein said scanning beam information identifies at least one forward error correction code level associated with said ~~at least~~ one of said directed scanning beam signals.

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15. (Currently Amended) The fixed wireless access network as set forth in Claim 11 wherein said each base station further comprises receive path circuitry associated with said beam forming network capable of receiving uplink data traffic transmitted by ~~said~~ at least one wireless access device in an uplink portion of said TDD frame.

16. (Original) The fixed wireless access network as set forth in Claim 15 wherein said first beam map further contains uplink transmission information identifying an uplink time slot in said uplink portion during which said at least one wireless access device transmits said uplink data traffic.

17. (Original) The fixed wireless access network as set forth in Claim 16 wherein said uplink transmission information further identifies at least one modulation format used by said at least one wireless access device to transmit said uplink data traffic.

18. (Original) The fixed wireless access network as set forth in Claim 17 wherein said uplink transmission information further identifies at least one at least one forward error correction code level used by said at least one wireless access device to transmit said uplink data traffic.

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19. (Currently Amended) For use in a wireless access network comprising a plurality of base stations, each of said plurality of base stations capable of bidirectional time division duplex (TDD) communication with wireless access devices disposed at a plurality of subscriber premises in an associated cell site of said wireless access network, a method of communicating with a first of said plurality of base stations comprising the steps of:

transmitting, at a start of a TDD frame, a broadcast beam signal to wireless access devices within more than one of a plurality of sectors within said associated cell site, the broadcast beam signal comprising a start of frame field capable of synchronizing receivers in said wireless access devices; and

transmitting, ~~downlink data traffic~~ in a downlink portion of said TDD frame, first downlink data traffic to ~~at least one of said~~ substantially only wireless access devices in a first of said sectors ~~of a cell site associated with said first base station~~ using ~~at least one~~ a first directed scanning beam signal.

20. (Currently Amended) The method as set forth in Claim 19 wherein said broadcast beam signal further comprises a first beam map containing scanning beam information usable by said ~~at least one~~ wireless access devices to receive said ~~least one~~ first directed scanning beam signal.

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21. (Currently Amended) The method as set forth in Claim 20 wherein said scanning beam information identifies a downlink time slot in said downlink portion during which said ~~at least one~~ first directed scanning beam signal transmits said downlink data traffic.

22. (Currently Amended) The method as set forth in Claim 21 wherein said scanning beam information identifies at least one modulation format associated with said ~~at least one~~ first directed scanning beam signal.

23. (Currently Amended) The method as set forth in Claim 21 wherein said scanning beam information identifies at least one forward error correction code level associated with said ~~at least one~~ directed scanning beam signal.

24. (Currently Amended) The method as set forth in Claim 20 further the step of receiving uplink data traffic transmitted by ~~said~~ at least one wireless access device in an uplink portion of said TDD frame.

25. (Original) The method as set forth in Claim 24 wherein said first beam map further contains uplink transmission information identifying an uplink time slot in said uplink portion during which said at least one wireless access device transmits said uplink data traffic.

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26. (Original) The method as set forth in Claim 25 wherein said uplink transmission information further identifies at least one modulation format used by said at least one wireless access device to transmit said uplink data traffic.

27. (Original) The method as set forth in Claim 26 wherein said uplink transmission information further identifies at least one at least one forward error correction code level used by said at least one wireless access device to transmit said uplink data traffic.

Please add the following new claims:

28. (Newly Added) The transceiver as set forth in Claim 1 wherein said transmit path circuitry transmits, in said downlink portion of said TDD frame, second downlink data traffic to substantially only wireless access devices within an other of said sectors using an other of said directed scanning beam signals.

29. (Newly Added) The method as set forth in Claim 19, further comprising:

transmitting, in said downlink portion of said TDD frame, second downlink data traffic to substantially only wireless access devices in a second of said sectors using a second directed scanning beam signal..

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REMARKS

Claims 1–27 are pending in the present application.

Claims 1–6, 10–15 and 19–24 have been amended herein. Claims 28–29 were added.

Claims 8–9, 17–18 and 26–27 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all limitations of the base claim(s) and any intervening claims. Because the Applicants believe that the remaining claims in this application are still allowable, the Applicants have not rewritten those claims in independent form.

Reconsideration of the claims is respectfully requested.

35 U.S.C. § 102 (Anticipation)

Claims 1, 10 and 19 were rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,094,421 to *Scott*. This rejection is respectfully traversed.

A claim is anticipated only if each and every element is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim. MPEP § 2131 at p. 2100-76 (8th ed. rev. 4 October 2005).

Claims 1, 10 and 19 each recite that first downlink data traffic transmitted during a downlink portion of the TDD frame is transmitted to substantially only wireless access devices within one of the cell sectors using one of the directed scanning beam signals. Such a feature is not found in the

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cited reference. The cited portion of *Scott* merely teaches that directional antennas may optionally be employed and, if so employed, may be accommodated by an adjustment interval within a frame:

> The antenna adjustment interval 1017 may be of sufficient duration to allow transmission of a data symbol indicating selection of a particular antenna beam or permitting minor adjustments to the angle of a directional antenna at the base station 302, or permitting selection of one or more antennas if the base station 302 is so equipped.

Scott, column 22, lines 57–63. Nothing in the cited portion of *Scott* suggests using a directional antenna to transmit download traffic to substantially only devices within one cell sector.

Therefore, the rejection of claims 1, 10 and 19 under 35 U.S.C. § 102 has been overcome.

35 U.S.C. § 103 (Obviousness)

Claims 4–5, 13–14 and 22–23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Scott* in view of Baum et al, "Performance Analysis of An Adaptive OFDM Packet Data System." This rejection is respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142, p. 2100-133 (8th ed. rev. 4 October 2005). Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. *Id.*

To establish a *prima facie* case of obviousness, three basic criteria must be met: First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference

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teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *Id.*

As noted above, independent claims 1, 10 and 19 and each recite features not found in *Scott*. Such features are also not found in *Baum et al.*

Therefore, the rejection of claims 4–5, 13–14 and 22–23 under 35 U.S.C. § 103 has been overcome.

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If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at ***dvenglarik@munckbutrus.com***.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK BUTRUS, P.C.

Date: 5-15-06

Daniel E. Venglarik
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Ex.1012

OIPE
MAY 18 2006
PATENT & TRADEMARK OFFICE
IAP18

DOCKET NO. WEST14-00103
Customer No. 23990

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	:	Paul F. Struhsaker
Serial No.	:	09/948,059
Filed	:	September 5, 2001
For	:	WIRELESS ACCESS SYSTEM USING SELECTIVELY ADAPTABLE BEAM FORMING IN TDD FRAMES AND METHOD OF OPERATION
Group No.	:	2666
Examiner	:	Salman Ahmed

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION FOR EXTENSION OF TIME

Applicant respectfully requests a two (2) month extension of time for filing a response to the Office Action mailed January 10, 2006. The response period is presently set to expire on April 10, 2006, and if this Petition for Extension of Time is granted, the new response date will be June 10, 2006.

A check in the amount of $275.00 is enclosed for two additional dependent claims ($50.00) and the two-month extension fee ($225.00). The Commissioner is hereby authorized to charge any

05/19/2006 FFANAEIA 00000042 09948059
01 FC:2252 225.00 OP

PETITIONER NOKIA
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additional fees which may be required, or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK BUTRUS, P.C.

Date: 5-15-06

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PETITIONER NOKIA
Ex.1012

OIPE
MAY 18 2006
PATENT & TRADEMARK OFFICE
1AP18

DOCKET NO. WEST14-00103
Customer No. 23990

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	:	Paul F. Struhsaker
Serial No.	:	09/948,059
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Group No.	:	2666
Examiner	:	Salman Ahmed

MAIL STOP AMENDMENT
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT TRANSMITTAL LETTER

Transmitted herewith is an Amendment and Response to Office Action in the above-identified application. The fee has been calculated as shown below.

CLAIMS AS AMENDED					SMALL ENTITY	
(1)	(2) CLAIMS REMAINING AFTER AMENDMENT	(3)	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) NUMBER OF EXTRA CLAIMS PRESENT	(6) RATE	(7) ADDITIONAL FEE
TOTAL CLAIMS	29	-	27	2	X 25.00 =	$50.00
IND. CLAIMS	3	-	3	-0-	X 100.00 =	$-0-
			TOTAL ADDITIONAL FEE FOR THIS AMENDMENT			$50.00

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✔ A check in the amount of $275.00 is enclosed for two additional dependent claims ($50.00) and two-month extension fee ($225.00).

____ A check in the amount of $_____ for a _____-month extension of time is attached.

✔ Please charge any additional fees or credit any overpayment to the Davis Munck Deposit Account No. 50-0208.

A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

Respectfully submitted,

MUNCK BUTRUS, P.C.

Date: 5-15-06

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OIPE
MAY 18 2006
PATENT & TRADEMARK OFFICE

TFW 2666

DOCKET NO. WEST14-00103 **PATENT**
Customer No. 23990

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	:	Paul F. Struhsaker
Serial No.	:	09/948,059
Filed	:	September 5, 2001
For	:	WIRELESS ACCESS SYSTEM USING SELECTIVELY ADAPTABLE BEAM FORMING IN TDD FRAMES AND METHOD OF OPERATION
Group No.	:	2666
Examiner	:	Salman Ahmed

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

Sir:

The undersigned hereby certifies that the following documents:

1. Amendment Transmittal Letter (in duplicate);
2. Amendment and Response to Office Action;
3. Petition for Extension of Time - two months (in duplicate);
4. Check in the amount of $225.00 for two additional dependent claims ($50.00) and two-month extension fee ($225.00); and
5. A postcard receipt

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 15, 2006.

Date: 5/15/06 Kathy Ceder
Mailer

Date: 5-15-2006
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EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	2	"6094421".pn.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/05/31 09:27
L2	136	("3795864" | "3838221" | "4189677" | "4217563" | "4222115" | "4291410" | "4301530" | "4324001" | "4355411" | "4418393" | "4432089" | "4481640" | "4484028" | "4494211" | "4506372" | "4513416" | "4525835" | "4587662" | "4612637" | "4621365" | "4672658" | "4675863" | "4688210" | "4696051" | "4701904" | "4703474" | "4724435" | "4736371" | "4742512" | "4754453" | "4765753" | "4797947" | "4807222" | "4901307" | "4905221" | "4953197" | "4979170" | "4984247" | "4995083" | "5016255" | "5018165" | "5022046" | "5022047" | "5025452" | "5029184" | "5042050" | "5042082" | "5056109" | "5073900" | "5093840" | "5097484" | "5101501" | "5103459" | "5107225" | "5109393" | "5111535" | "5117423" | "5166929" | "5170412" | "5177765" | "5177766" | "5200956" | "5210771" | "5257283" | "5263045" | "5263047" | "5265119" | "5267262" | "5274665" | "5278835" | "5289497" | "5291516" | "5299198" | "5303287" | "5313457" | "5353303" | "5361277" | "5363368" | "5363373" | "5383219" | "5392287" | "5398247" | "5402413" | "5410568" | "5414796" | "5420851" | "5430760" | "5434859" | "5444696" | "5446727" | "5454028" | "5455822" | "5471649" | "5481533" | "5483676" | "5506837" | "5528597" | "5689502" | "5715521" | "5745484" | "5828659").PN. OR ("6094421"). URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/05/31 12:00

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EAST Search Hist ry

L3	14	TDD same frame same uplink same modulation same (cell or sector)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/05/31 12:01
L4	0	("2005/0075125").URPN.	USPAT	OR	ON	2006/05/31 12:01
L5	5	("2002/0141355").URPN.	USPAT	OR	ON	2006/05/31 12:01
L6	5	("2002/0136170").URPN.	USPAT	OR	ON	2006/05/31 12:02
L7	0	("2002/0122395").URPN.	USPAT	OR	ON	2006/05/31 12:02
L8	11	("20030002495" | "5793753" | "5832365" | "5978650" | "6222858" | "6230326" | "6320903" | "6345071" | "6590872" | "6636490" | "6654384").PN. OR ("6947477"). URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/05/31 12:02

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UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/948,059	09/05/2001	Paul F. Struhsaker	WEST14-00103	5591

7590 06/07/2006

NOVAKOV DAVIS & MUNCK
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13155 NOEL ROAD
DALLAS, TX 75240

EXAMINER	
AHMED, SALMAN	
ART UNIT	**PAPER NUMBER**
2616	

DATE MAILED: 06/07/2006

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

PTO-90C (Rev. 10/03)

PETITIONER NOKIA
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Office Action Summary	Application No.	Applicant(s)	
	09/948,059	STRUHSAKER, PAUL F.	
	Examiner	Art Unit	
	Salman Ahmed	2616	

-- 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 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 *5/18/2006(Amendments)*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ 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

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,10-16,19-25,28 and 29* is/are rejected.

7)☒ Claim(s) *8,9,17,18,26 and 27* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *1/10/02,9/5/01* 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).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

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).

a)☐ All b)☐ Some * c)☐ None of:

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) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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DETAILED ACTION

Claims 1-29 are pending.

Claims 1-7, 10-16, 19-25, 28 and 29 are rejected.

Claims 8, 9, 17, 18, 26 and 27 are objected to.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 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.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-3, 6, 7, 10-12, 15, 16, 19-21, 24, 25, 28 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Scott (US PAT 6094421).

In regards to claims 1, 10 and 19 Scott anticipates for using in a wireless access

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