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13/553,417	07/19/2012	Marian Rudolf	I-2-0552US04	4968

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EXAMINER	
KAMARA, MOHAMED A	

ART UNIT	PAPER NUMBER
2412	

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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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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USTA EXHIBIT 2021
IPR2025-00838

Office Action Summary	Application No.	Applicant(s)	
	13/553,417	RUDOLF ET AL.	
	Examiner	Art Unit	
	MOHAMED KAMARA	2412	

-- 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 *19 July 2012*.

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) *1-20* 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5a) Of the above claim(s) _____ is/are withdrawn from consideration.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) *1-20* 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).

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) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *08/02/2012*.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

4) ☐ Other: _____.

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DETAILED ACTION

1. Claims 1-20 are currently pending.

Claim Rejections - 35 USC § 103

2. The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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.

4. Claims 1-3, 5-7, 9-13, 15-17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein A. Lundby (US 2002/0111183 A1) in view of Xinxi Diao et al. (US 7,099,674).

For Claim 1, Lundby discloses a method (see an optional payload in ¶ 0031, lines 2) of exchanging measurements in wireless communications, the method comprising: receiving a measurement request (see wireless apparatus 200 receives FL PC commands in ¶ 0046, lines 17-19), wherein the measurement request includes a request for a measurement of a parameter (see

The FL PC commands provide information containing instructions for power control in ¶ 0046, lines 10-14); transmitting a measurement report (see a corresponding power control command is transmitted in response … and the base station may use the transmitted power as an indication of the channel quality in ¶ 0042, lines 10-13), wherein the measurement report includes the requested measurement of the parameter (see the mobile station measures the SNR in ¶ 0042, lines 7-9). Lundby does not disclose storing the requested measurement of the parameter in a management information base (MIB). However, Diao et al. from a similar field of endeavor discloses storing (see storing in co1.3, lines 53-60) the requested measurement of the parameter in a management information base (MIB) (see storage unit which stores traffic characteristic parameters in co1.5, lines 35-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the storage unit taught in Diao with the system taught in Lundby in order to ensure the quality of the communication.

For Claim 2, Lundby discloses all of the claimed subject matter, with the exception of an absolute value of the requested measurement. However, Diao et al. from a similar field of endeavor discloses an absolute value of the requested measurement (see absolute value in co1.5, lines 5-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the absolute value taught in Diao with the system taught in Lundby in order to ensure the quality of the communication.

For Claim 3, Lundby discloses all of the claimed subject matter, with the exception of a statistical average of the requested measurement. However, Diao et al. from a similar field of endeavor discloses a statistical measurement (see the statistic result of the parameter statistic unit in co1.3, lines 1-4) average of the requested measurement (see summing the interference power

in co1.4, lines 10-13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the summing of the interference power in Diao with the system taught in Lundby in order to ensure the quality of the communication.

For Claim 5, Lundby discloses a method wherein the parameter includes a signal-to-noise indicator (see the mobile station measures the SNR in ¶ 0042, lines 7-9).

For Claim 6, Lundby discloses a method, wherein the parameter includes a received channel power indicator (RCPI) (see the receiver measures the incoming Eb/No in ¶ 0030, lines 4-5).

For Claim 7, Lundby discloses a method wherein the parameter includes a link measurement (see determining a power control decision for the forward link based on the SNR in ¶ 0010, lines 6-8).

For Claim 9, Lundby discloses all of the claimed subject matter, with the exception of requesting for a stored measurement of a parameter. However, Diao et al. from a similar field of endeavor disclose requesting for a stored measurement of a parameter (see storing the calculation results of the former two steps for using in col.3, lines 53-59 or co1.6, lines 40-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the storing of the calculation results taught in Diao with the system taught in Lundby in order to utilize radio resources sufficiently.

For Claim 10, Lundby discloses all of the claimed subject matter, with the exception of requesting to perform a new measurement of the parameter. However, Diao et al. from a similar field of endeavor disclose requesting to perform a new measurement of the parameter (see next calculation in co1.3, lines 54-65). It would have been obvious to one of ordinary skill in the art at

the time the invention was made to combine the next calculation taught in Diao with the system taught in Lundby in order to utilize radio resources sufficiently.

For Claim 11, Lundby discloses an access point comprising:

a measurement entity configured to (see a base station apparatus includes a control processor for power control in ¶ 0008, lines 1-3): receive a measurement request (see wireless apparatus 200 receives FL PC commands in ¶ 0046, lines 17-19), wherein the measurement request includes a request for a measurement of a parameter (see The FL PC commands provide information containing instructions for power control in ¶ 0046, lines 10-14); transmit a measurement report (see a corresponding power control command is transmitted in response … and the base station may use the transmitted power as an indication of the channel quality in ¶ 0042, lines 10-13), wherein the measurement report includes the requested measurement of the parameter (see the mobile station measures the SNR in ¶ 0042, lines 7-9). Lundby does not disclose storing the requested measurement of the parameter in a management information base (MIB). However, Diao et al. from a similar field of endeavor discloses storing (see storing in co1.3, lines 53-60) the requested measurement of the parameter in a management information base (MIB) (see storage unit in co1.5, lines 35-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the storage unit taught in Diao with the system taught in Lundby in order to ensure the quality of the communication.

For Claim 12, Lundby discloses all of the claimed subject matter, with the exception of an absolute value of the requested measurement However, Diao et al. from a similar field of endeavor discloses an absolute value of the requested measurement (see absolute value in co1.5, lines 5-10). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the absolute value taught in Diao with the system taught in Lundby in order to ensure the quality of the communication.

For Claim 13, Lundby discloses all of the claimed subject matter, with the exception of a statistical average of the requested measurement. However, Diao et al. from a similar field of endeavor discloses a statistical measurement (see the statistic result of the parameter statistic unit in co1.3, lines 1-4) average of the requested measurement (see summing the interference power in co1.4, lines 10-13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the summing of the interference power in Diao with the system taught in Lundby in order to ensure the quality of the communication.

For Claim 15, Lundby discloses an AP, wherein the parameter includes a signal-to-noise indicator (see the mobile station measures the SNR in ¶ 0042, lines 7-9).

For Claim 16, Lundby discloses an AP, wherein the parameter includes a received channel power indicator (RCPI) (see the receiver measures the incoming Eb/No in ¶ 0030, lines 4-5).

For Claim 17, Lundby discloses an AP, wherein the parameter includes a link measurement (see determining a power control decision for the forward link based on the SNR in ¶ 0010, lines 6-8).

For Claim 19, Lundby discloses all of the claimed subject matter, with the exception of requesting for a stored measurement of a parameter. However, Diao et al. from a similar field of endeavor disclose requesting for a stored measurement of a parameter (see storing the calculation results of the former two steps for using in col.3, lines 53-59 or co1.6, lines 40-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to

combine the storing of the calculation results taught in Diao with the system taught in Lundby in order to utilize radio resources sufficiently.

For Claim 20, Lundby discloses all of the claimed subject matter, with the exception of requesting to perform a new measurement of the parameter. However, Diao et al. from a similar field of endeavor disclose requesting to perform a new measurement of the parameter (see next calculation in co1.3, lines 54-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the next calculation taught in Diao with the system taught in Lundby in order to utilize radio resources sufficiently.

5. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein A. Lundby (US 2002/0111183 A1) in view of Xinxi Diao et al. (US 7,099,674) as applied to claims 1 and 11 above, and further in view of Jerry D. Burchfiel (US 2004/0092281 A1).

For Claims 4 and 14, Lundby & Diao disclose all of the claimed subject matter with the exception of a histogram of values of the parameter over time. However, Burchfiel from a similar field of endeavor discloses a histogram (see histogram in ¶ 0106, lines 1-4) of values of the parameter over time (see over a given period of time in ¶ 0019, lines 5-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the histogram taught in Burchfiel with the system taught in Lundby & Diao in order to permit increased data visibility.

6. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein A. Lundby (US 2002/0111183 A1) in view of Xinxi Diao et al. (US 7,099,674) as applied to claims 1 and 11 above, and further in view of Steven D. Gray (US 20040116112 A1).

For Claims 8 and 18, Lundby & Diao disclose all of the claimed subject matter, with the exception of a clear channel assessment (CCA) busy fraction. However, Gray et al. from a similar field of endeavor discloses a clear channel assessment (CCA) busy fraction (see FIG. 3, to provide a basic understanding of what Clear Channel Assessment (CCA) is in ¶ 0051, lines 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Clear Channel Assessment taught in Gray with the system taught in Lundby & Diao in order to permit increased mobility communication.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Malkamaki (US 2004/0097253 A1) is pertinent to communication, using a specific transmission parameter, between a base station and mobile station; and Walton et al. (US 7885228 B2) is directed to obtaining an initial SNR estimate for each of multiple transmission channels used to transmit a data stream.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMED KAMARA whose telephone number is (571)270-5629. The examiner can normally be reached on Monday thru. Thursday 10:00 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANDREW CHRISS can be reached on (571)272-1774. 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.

MOHAMED KAMARA
Examiner
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