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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/019,702	10/14/2024	RE47720	USTAP030D.RE	8522
134688	7590	07/15/2025		
Devlin Law Firm 1526 Gilpin Ave. Wilmington, DE 19806			EXAMINER HENEGHAN, MATTHEW E	
			ART UNIT 3992	PAPER NUMBER
			MAIL DATE 07/15/2025	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.



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Unified Patents, LLC
4445 Willard Ave.
Suite 600
Chevy Chase, MD 20815

***EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/019,702.

PATENT UNDER REEXAMINATION RE47720.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Notice of Intent to Issue Ex Parte Reexamination Certificate	Control No. 90/019,702	Patent Under Reexamination RE47720	
	Examiner MATTHEW E HENEGHAN	Art Unit 3992	AIA (First Inventor to File) Status No

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

1. ☒ Prosecution on the merits is (or remains) closed in this *ex parte* reexamination proceeding. This proceeding is subject to reopening at the initiative of the Office or upon petition. *Cf.* 37 CFR 1.313(a). A Certificate will be issued in view of
 - (a) ☒ Patent owner's communication(s) filed: 02 June 2025.
 - (b) ☐ Patent owner's failure to file an appropriate timely response to the Office action mailed: ____.
 - (c) ☐ Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).
 - (d) ☐ The decision on appeal by the ☐ Board of Patent Appeals and Interferences ☐ Court dated ____
 - (e) ☐ Other: ____.
2. The Reexamination Certificate will indicate the following:
 - (a) Change in the Specification: ☐ Yes ☒ No
 - (b) Change in the Drawing(s): ☐ Yes ☒ No
 - (c) Status of the Claim(s):
 - (1) Patent claim(s) confirmed: 53-56,64-66,70,76,81-84 and 87-94.
 - (2) Patent claim(s) amended (including dependent on amended claim(s)): ____
 - (3) Patent claim(s) canceled: ____.
 - (4) Newly presented claim(s) patentable: ____.
 - (5) Newly presented canceled claims: ____.
 - (6) Patent claim(s) ☐ previously ☐ currently disclaimed: ____.
 - (7) Patent claim(s) not subject to reexamination: 1-52,57-63,67-69,71-75,77-80,85-86 and 95-96.
3. ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
4. ☒ Note the attached statement of reasons for patentability and/or confirmation. Any comments considered necessary by patent owner regarding reasons for patentability and/or confirmation must be submitted promptly to avoid processing delays. Such submission(s) should be labeled: "Comments On Statement of Reasons for Patentability and/or Confirmation."
5. ☐ Note attached NOTICE OF REFERENCES CITED (PTO-892).
6. ☐ Note attached LIST OF REFERENCES CITED (PTO/SB/08 or PTO/SB/08 substitute).
7. ☐ The drawing correction request filed on ____ is: ☐ approved ☐ disapproved.
8. ☐ Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the certified copies have
 - ☐ been received.
 - ☐ not been received.
 - ☐ been filed in Application No. ____.
 - ☐ been filed in reexamination Control No. ____.
 - ☐ been received by the International Bureau in PCT Application No. ____.

* Certified copies not received: ____.
9. ☐ Note attached Examiner's Amendment.
10. ☐ Note attached Interview Summary (PTO-474).
11. ☐ Other: ____.

All correspondence relating to this reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

	/MATTHEW E HENEGHAN/ Primary Examiner, Art Unit 3992
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cc: Requester (if third party requester)
 U.S. Patent and Trademark Office
 PTOL-469 (Rev. 08-13)

DETAILED ACTION

Notice of Pre-AIA or AIA Status

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

Reexamination

Ex Parte reexamination has been ordered in response to a request by a Third Party, Unified Patents, LLC, for reexamination of claims 53-56, 64-66, 70, 76, 81-84, and 87-94 of U.S. Patent No. RE47,720 to Burchfiel, which is a reissue of U.S. Patent No. 7,483,711. See Order Granting *Ex Parte* Reexamination, mailed by the Office on 5 December 2024. In response to the previous Office Action, Patent Owner has requested reconsideration of the stated rejections.

In view of the surrender of original Patent No. 7,483,711 (hereinafter the '711 patent) and the granting of Reissue Patent No. RE47,720 (hereinafter the '720 reissue) which issued on 5 November 2019, all subsequent proceedings in this reexamination will be based on the reissue patent claims.

The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent

proceeding, involving the '711 patent and/or the '720 reissue throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that *ex parte* reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extensions of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

Oath/Declaration

The Declaration of Dr. Konstantinos Psounis filed on 2 June 2025 has been fully considered.

Allowable Subject Matter

Claims 53-56, 64-66, 70, 76, 81-84, and 87-94 are confirmed.

STATEMENT OF REASONS FOR PATENTABILITY AND/OR CONFIRMATION

The following is an examiner's statement of reasons for patentability and/or confirmation of the claims found patentable in this reexamination proceeding:

Regarding claim 53, Patent Owner has persuasively argued that the cited references would not result in "receiving at a first node in the radio communications network an instruction transmitted from a second node in the radio communications network to avoid using a plurality of frequencies to transmit to the second node."

Claims 54-56, 64-66, 70, 76, 81-84, and 87-94 are confirmed based upon their dependence on claim 53.

Any comments considered necessary by PATENT OWNER regarding the above statement must be submitted promptly to avoid processing delays. Such submission by the patent owner should be labeled: "Comments on Statement of Reasons for Patentability and/or Confirmation" and will be placed in the reexamination file.

Response to Arguments

Applicant's arguments, see Remarks, filed 2 June 2025, with respect to the rejections under 35 U.S.C. 103 have been fully considered and are persuasive. The rejections of all claims under reexamination have been withdrawn.

Conclusion

All correspondence relating to this *ex parte* reexamination proceeding should be directed:

Electronically: Registered users may submit via Patent Center at
<https://patentcenter.uspto.gov/>.

By Mail to: Mail Stop *Ex Parte* Reexam
Central Reexamination Unit
Commissioner for Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX to: (571) 273-9900
Central Reexamination Unit

By hand: Customer Service Window
Knox Building
501 Dulany Street
Alexandria, VA 22314

For Patent Center transmissions, 37 CFR 1.8(a)(1)(i)(C) and (ii) states that correspondence (except for a request for reexamination and a corrected or replacement request for reexamination) will be considered timely filed if (a) it is transmitted via the USPTO patent electronic filing system in accordance with 37 CFR 1.6(a)(4), and (b) includes a certificate of transmission for each piece of correspondence stating the date of transmission, which is prior to the expiration of the set period of time in the Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW E HENEGHAN whose telephone number is (571)272-3834. The examiner can normally be reached M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Fuelling can be reached on (571)270-1367. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/MATTHEW E HENEGHAN/
Primary Examiner, Art Unit 3992

Conferees:
/Ovidio Escalante/
Primary Examiner, Art Unit 3992
/MICHAEL FUELLING/
Supervisory Patent Examiner, Art Unit 3992

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08 (01-25)

Approved for use through 11/30/2027. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application Number	90019702
	Filing Date	2024-10-14
	First Named Inventor	RE47720
	Art Unit	3992
	Examiner Name	Matthew E. Heneghan
	Attorney Docket Number	USTAP030D.RE

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Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Inventor of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear		
	1	5596333	A	1997-01-21	Bruckert			
	2	6246376	B1	2001-06-12	Bork et al.			
	3	7245879	B2	2007-07-17	Sadri et al.			
	4	7266085	B2	2007-09-04	Stine			
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	1	20030152086	A1	2003-08-14	El Batt			
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application Number		90019702	
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	Attorney Docket Number	USTAP030D.RE		

	1						☐
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Examiner Initials*	Cite No	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, pages(s), volume-issue number(s), publisher, city and/or country where published.					T5
	1	Petition for Inter Partes Review of US Patent No. RE47,720 (IPR2025-00838), filed April 29, 2025 (91 pages)					☐
	2	~~Reference is a patent~~ ~~Exhibit 1001 - U.S. Patent No. RE47,720 to J. Burchfiel (42 pages)~~					☐
	3	Exhibit 1002 - Prosecution File History of U.S. Patent Application No. 15/898,404, issued as the '720 Patent (357 pages)					☐
	4	Exhibit 1003 - Declaration of James Lansford, Ph.D. under 37 C.F.R. § 1.68 (137 pages)					☐
	5	Exhibit 1004 - Curriculum Vitae of James Lansford, Ph.D. (9 pages)					☐
	6	~~Exhibit 1005 - U.S. Application Publication No. 2003/0043732 by J. Walton et al. (31 pages)~~ ~~References are patent application publications~~					☐
	7	~~Exhibit 1006 - U.S. Application Publication No. 2002/0066467 to W. McFarland (15 pages)~~					☐
	8	Exhibit 1007 - IEEE Std 802.11a-1999, Part 11: Wireless LAN Medium Access Control (MAC) and Physical Layer (PHY) specifications, High-speed Physical Layer in the 5 GHz Band, Sept. 1999 (90 pages)					☐

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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Attorney Docket Number	USTAP030D.RE

~~9~~	~~Exhibit 1008 - U.S. Application Publication No. 2002/0102940 to R. Bohnke et al. (21 pages)~~	~~☐~~
10	Exhibit 1009 - Prosecution File History of U.S. Patent Application No. 10/689,763, issued as U.S. Patent No. 7,483,711 (166 pages)	☐
~~11~~	~~Exhibit 1010 - U.S. Patent No. 5,726,978 to C. Erdogh et al. (20 pages)~~	~~☐~~
12	Exhibit 1011 - S. Catreux et al., "Adaptive Modulation and MIMO Coding for Broadband Wireless Data Networks," IEEE Communications Magazine, pp. 108-115, June 2002 (8 pages)	☐
13	Exhibit 1012 - App. No. 90/019702, Ex Parte Reexamination of the '720 patent, Exhibit AA (88 pages)	☐
~~14~~	~~Exhibit 1013 - U.S. Patent Publication No. 2003/0235147 to J. Walton, et al. (28 pages)~~	~~☐~~
~~15~~	~~Exhibit 1014 - U.S. Patent No. 7,046,746 to R. Kearney et al. (16 pages)~~	~~☐~~
16	Exhibit 1015 - R. Van Nee and R. Prasad, OFDM for Wireless Multimedia Communications (2000), Chapters 1 and 2 (63 pages)	☐
~~17~~	~~Exhibit 1016 - U.S. Patent No. 7,369,841 to C. Uhlir et al. (9 pages)~~	~~☐~~
18	Exhibit 1017 - A. Seyedi and G. Saulnier, "A Distributed Algorithm for Dynamic Sub-Channel Assignment in a Multi-User OFDM Communication System," Proceedings of the 11th IEEE Signal Processing Workshop on Statistical Signal Processing, Aug. 8, 2001. (397 pages)	☐
19	Exhibit 1018 - Merriam Webster Collegiate Dictionary Tenth Edition, Merriam-Webster Inc. (1993) (selected pages) (7 pages)	☐

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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Attorney Docket Number	USTAP030D.RE

20	Exhibit 1019 - H. Newton, Newton's Telecom Dictionary, CMP Books (2000) (selected pages) (4 pages)	☐
21	Exhibit 1020 - Declaration of Sylvia Hall-Ellis (250 pages)	☐
22	Exhibit 1021 - Declaration of David Ringle (176 pages, in three files)	☐
23	Exhibit 1022 - L. Peterson and B. Davie, Computer Networks: A Systems Approach, Morgan Kaufman Publishers, Inc. (1996) ("Peterson") (Chapter 7) (63 pages)	☐
24	Exhibit 1024 - Lenovo Group Limited's Notice of Sotera Stipulations for U.S. Patent No. RE47,720, USTA Technology, LLC v. Lenovo Group Limited et al, 4-24-cv-00515, Dkt. 60, filed April 25, 2025 (3 pages)	☐
25	~~Exhibit 1025 - U.S. Patent No. 6,556,553 to B. Palmer et al. (10 pages)~~	☐
26	US Provisional Patent Application No. 60/493,937, filed August 8, 2003 (67 pages)	☐
27	Ramanathan, "On the Performance of Ad Hoc Networks with Beamforming Antennas," ACM MobiHoc, Long Beach, CA, pp. 95-105, October 2001 (11 pages)	☐
28	Young-Bae Ko et al. "Medium Access Control Protocols Using Directional Antennas in Ad Hoc Networks," Proceedings IEEE INFOCOM 2000. Conference on Computer Communications. Nineteenth Annual Joint Conference of the IEEE Computer and Communications Societies (Cat. No.00CH37064), Tel Aviv, Israel, 2000, pp. 13-21 vol.1, doi: 10.1109/INFOCOM.2000.832169 (9 pages)	☐

If you wish to add additional non-patent literature document citation information, please click the Add button **EXAMINER SIGNATURE**

Examiner Signature	/MATTHEW E HENEGHAN/	Date Considered	06/11/2025
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*EXAMINER: Initial if reference considered and whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

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	Art Unit	3992
	Examiner Name	Matthew E. Heneghan
	Attorney Docket Number	USTAP030D.RE

TIMING STATEMENT

Please see 37 CFR 1.97(e) to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached timing statement under 37 CFR 1.97(e).

☒ A timing statement under 37 CFR 1.97(e) is not submitted herewith.

TIMING FEE

☒ The fee set forth in 37 CFR 1.17(p) has been submitted herewith.

COPIES

☐ An identification of an earlier application pursuant to 37 CFR 1.98(d)(1) is attached.

SIZE FEE ASSERTION

Please see 37 CFR 1.17(v) and the [IDS Auto-Load Instructions](#) for completing this form to make the appropriate selection of an assertion under 37 CFR 1.98. For the information disclosure statement (IDS) submitted herewith, the applicant or patent owner certifies the following with respect to the cumulative number of applicant-provided or patent-owner provided items of information submitted to date including those in the accompanying IDS (select only one):

☒ No IDS size fee is required under 37 CFR 1.17(v) at this time.

☐ The IDS is accompanied by the IDS size fee under 37 CFR 1.17(v)(1).

☐ The IDS is accompanied by the IDS size fee under 37 CFR 1.17(v)(2).

☐ The IDS is accompanied by the IDS size fee under 37 CFR 1.17(v)(3).

SIGNATURE

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature.

Signature	/James M. Lennon/	Date (YYYY-MM-DD)	2025-06-02
Name/Print	James M. Lennon	Registration Number	56815

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Application Number	90019702
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Art Unit	3992
Examiner Name	Matthew E. Heneghan
Attorney Docket Number	USTAP030D.RE

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.