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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/399,771	09/21/1999	ALEX KRISTER RAITH	040010-490	2684

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EXAMINER

DUONG, FRANK

AKT UNIT

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

Office Action Summary	Application No. 09/399,771	Applicant(s) RAITH ET AL.	
	Examiner Frank Duong	Art Unit 2664	

-- 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) 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 the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- 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 21 November 2001.

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) 26-66 is/are pending in the application.

4a) Of the above claim(s) 26-44 and 52-66 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 45-51 is/are rejected.

7) Claim(s) _____ 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 _____ 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).

11) The proposed drawing correction filed on 21 November 2001 is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) 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.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s) _____

DETAILED ACTION

1. This Office Action is a response to the communication dated 11/21/2001. Elected claims 45-51 and non-elected claims 26-36 and 52-66 are pending in the application. Non-elected claims 26-36 and 52-66 are withdrawn from further consideration.
2. This application contains claims 26-36 and 52-66 are drawn to an invention nonelected with traverse in Paper No. 6. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Objections

3. Claim 45 is objected to because of the following informalities:

Line 3, "at lest" should read --at least--.

Appropriate correction is required.

Drawings

4. The corrected or substitute drawings were received on 11/21/2001. These drawings are approved.

Claim Rejections - 35 USC § 102

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 a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 45-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Raith (USP 5,757,813).

Regarding claim 45, while the specification discloses providing out of band information regarding the type of service which the associated payload is currently supporting, the channel coding and/or interleaving associated therewith, the claim calls for a communication station comprising: a processor for arranging information for transmission including providing at least one first field in which payload information is disposed and providing at least one second field, separate from said first field, which includes a service type identifier which identifies a type of payload information provided in said at least one first field; and a transmitter for transmitting information received from said processor including said at least one first field and said at least one second field.

Raith, in according to FIGS. 4, 8 and the disclosure at col. 12, lines 6-30 discloses just that as clearly corresponding below:

The claim calls a communication station (corresponding to FIG. 4, 110 or 120) comprising: a processor (130 or 180) for arranging information (FIG. 8) for transmission including providing at least one first field (DATA) in which payload information is disposed and providing at least one second field (PCF or CSFP/PCF), separate from said first field, which includes a service type identifier which identifies a type of payload information provided in said at least one first field (col. 12, lines 16-30); and a transmitter (150 or 170) for transmitting information received from said processor

including said at least one first field and said at least one second field. Thus, the Raith reference reads on the claimed limitations in a manner set forth as claimed.

Regarding claim 46, in according to the recitation at col. 12, lines 31-57, Raith also discloses that the system can assign the mobile station a new modulation symbol alphabet by sending the indicator (corresponding to "service type identifier") to the mobile station which indicates the modulation symbol alphabet to be used in order to increase change the type of modulations. Thus, the recitation thereat reads on the claimed limitations set forth as claimed.

Regarding claims 47-48, because Raith's system (FIG. 4) supports various wireless communication systems to include IS-136 that supports multimedia. Therefore, it is inherent that the changing of coding type and modulation type disclosed at col. 12, lines 6-30 by Raith reads on the claimed limitations of "wherein said first type of information is one of video, voice and data and said second type of information is different one of video, voice and data".

Regarding claims 49-50, see FIG. 4, elements 110 and 120.

Regarding claim 51, in according to FIG. 5 and col. 11, lines 21-53, Raith shows on possible mapping sequence performed by the processor (130 or 140). Thus, Raith discloses the claimed limitation set forth as claimed.

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