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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/205,205	12/04/98	BREMER	G 061606-1770
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TM02/0628

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EXAMINER

PHILIP	
ART UNIT	PAPER NUMBER

4

2631  
 DATE MAILED: 06/28/01

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

**Commissioner of Patents and Trademarks**

Samsung Ex. 1315 (Samsung v. Rembrandt)
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**Office Action Summary**

Application No.	Applicant(s)	
09/205,205	BREMER, GORDON	
Examiner	Art Unit	
Phuong Phu	2631	

-- 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 15 March 1999.
- 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) 1-28 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) 1-21 is/are allowed.
- 6)  Claim(s) 23-28 is/are rejected.
- 7)  Claim(s) 22 is/are objected to.
- 8)  Claims \_\_\_\_\_ 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 04 December 1998 is/are objected to by the Examiner.
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.
- 12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 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).

## DETAILED ACTION

### *Drawings*

1. Figure 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

### *Claim Objections*

2. Claim 22 is objected to because of the following informalities: “a second tributary transceivers” on line 3 should be changed to another name, for a suggestion, “a first tributary transceiver”, in order to be distinguishable from “a second tributary transceiver” on lines 1 and 2. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. 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.

4. Claims 23-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Polley et al (5,999,563).

As per claim 23, see figures 2a and 5a, and col. 9, line 16 to col. 10, line 52. Polley et al discloses a system as claimed wherein the system comprises: a first transceiver (210) (see figure 2a) capable of transmitting and receiving a plurality of modulation methods (see col. 10, lines 40-51); and a second transceiver (220) (see figure 2a) capable of transmitting and receiving said plurality of modulation methods.

As per claim 24, Polley et al further discloses that said plurality of modulation methods is selected from a group consisting (QAM, CAP, DMT, FSK and PAM) (see col. 10, lines 40-51).

As per claim 25, see figures 2a and 5a, and col. 9, line 16 to col. 10, line 52. Polley et al discloses a master system (220) (see figure 2a), as claimed, wherein the system comprises a logic (530, 150) (see figure 5a) configured to enable the system to communicate over the multi-point communication system using a plurality of modulation methods (see col. 10, lines 40-51).

As per claim 27, see figures 2a and 5a, and col. 9, line 16 to col. 10, line 52. Polley et al discloses a remote system (210) (see figure 2a), as claimed, wherein the system comprises a logic (530, 150) (see figure 5a) configured to enable the system to communicate over the multi-point communication system using a plurality of modulation methods (see col. 10, lines 40-51).

Claims 26 and 28 are rejected with the same reason set forth for claim 24.

#### *Allowable Subject Matter*

5. Claims 1-21 are allowed over prior art of record.
6. Claim 22 would be allowable if rewritten to overcome the objection, set forth in this Office action.

#### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References Polley et al (5,999,563), Pasternak et al (5,936,949), Beach (6,067,297) and Cheng (5,563,883) are cited because they are pertinent to transceivers for use in a multipoint communication system. However, none of prior art of record teaches or suggests a method or a system with limitations as recited in independent claims 1, 8, 11, 14, 17, 20 and 21.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong Phu whose telephone number is 703-308-0158. The examiner can normally be reached on M-F (8:30-6:00) First Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 703-305-4378. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Phuong Phu  
Examiner  
Art Unit 2631

Phuong Phu  
June 27, 2001

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