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EXAMINER

HA, DAC V

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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.

Samsung Ex. 1308
(Samsung v. Rembrandt)

DETAILED ACTION

Claim Objections

1. **Claims 1-18, 37-57, 96-100** are objected to because of the following informalities:

Claim 1, line 9, "the first data sequence" should be changed to i.e. "a first data sequence" to avoid potential antecedent basis problem.

Similar problem exists in claim 37.

Claims 96-100 seem to have incorrect dependency (i.e. should be depending from claims 86 on).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. 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 –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 19, 21, 23-27, 29, 34, 86, 88-94, 96** are rejected under 35 U.S.C. 102(b) as being anticipated by Siwiak (US 5,537,398).

Re claim 19, Siwiak discloses:

"a processor" (Fig. 6, elements 606, 610);

"transmission of first data with a first modulation method followed by second data with a second modulation method, wherein the first modulation method is different than

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the second modulation method, and wherein the first data comprises an indication of an impending change from the first modulation method to the second modulation method” in Fig. 2; col. 3, line 61 to col. 4, line 2; col. 4, lines 31-39; abstract.

Further, even though Siwiak does not explicitly disclose "a memory having stored therein executable instructions for execution by the processor", it should be inherent that the "processor" of Siwiak must have some associate memory with instruction information stored therein for execution by such processor.

Re claim 86, see similar subject matter in claim 19 above, wherein elements 606, 610 teach all first, second and third logic.

Re claim 21, Siwiak further discloses “wherein the first modulation method is a frequency shift keying modulation” in col. 6, lines 25-29.

Re claim 23, Siwiak further discloses “wherein the second modulation method is different than the first modulation method in performance” in col. 6, lines 23-29.

Re claim 24, Siwiak further discloses “wherein the first modulation method has a lower performance than the second modulation method” in col. 6, lines 23-29.

Re claim 25, Siwiak further discloses “wherein the second modulation method is different than the first modulation in data rate” in col. 6, lines 23-29.

Re claim 26, Siwiak further discloses “wherein the first modulation method has a lower data rate than the second modulation method” in col. 6, lines 23-29.

Re claim 27, Siwiak further discloses “wherein transmission of the second data is according to a specific time interval” in Fig. 2; col. 3, line 61 to col. 4, line 2.

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Re claim 29, Siwiak further discloses "transmitter configured to transmit the first data and the second data" in Fig. 5, 2; col. 3, lines 45-48; col. 4, lines 31-39.

Re claim 34, Siwiak further discloses "the first data comprises an address" in col. 4, lines 31-39; Fig. 2.

Re claims 88-94, 98, see similar claimed subject matter in claims 21-27, 34, respectively.

Claim Rejections - 35 USC § 103

4. 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 negated by the manner in which the invention was made.

5. **Claims 30-33, 96, 97** are rejected under 35 U.S.C. 103(a) as being unpatentable over Siwiak.

Re claim 30, Siwiak discloses all claimed subject matter of claim 30, as stated above, except for "the memory has stored therein program code for the first modulation method and the second modulation method". However, it would have been easily understood by one skilled the art that, for software implementation standpoint, the (associate) memory would have stored therein information in the form of program code for execution by the processor.

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