

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reexamination Control No. 95/000,648)	Confirmation No.: 7148
Filed: October 27, 2011)	
)	
In re Reexamination Control No. 95/002,108)	Confirmation No. 8175
Filed: August 29, 2012)	
)	
U.S. Patent No. 7,027,418)	Examiner: Pokrzywa, Joseph R.
Issued: April 21, 2006)	Art Unit: 3992
)	
For: APPROACH FOR SELECTING)	
COMMUNICATIONS CHANNELS BASED)	
ON PERFORMANCE)	
_____)	

Mail Stop INTER PARTES REEXAM
Central Reexamination Unit
P. O. Box 1450
Alexandria, VA 22313-1450

Housekeeping Amendment

In Response to Decision, *Sua Sponte*, to Merge Reexamination Proceedings

Sir:

This “housekeeping” amendment is submitted by the Patent Owner in response to the Decision, *Sua Sponte*, To Merge Reexamination Proceedings dated January 10, 2013 (“Merger Decision”) in the above-referenced *inter partes* reexamination proceedings. This paper is submitted in duplicate for entry into the files of each of the above-referenced proceedings.

HICKMAN PALERMO TRUONG BECKER BINGHAM
WONG LLP
1 Almaden Boulevard, 12th Floor
San Jose, CA 95113
Telephone: (408) 414-1080
Facsimile: (408) 414-1076

Attorneys for Patent Owner, Bandspeed, Inc.

Marvell Semiconductor, Inc.
MediaTek Inc.
MediaTek USA, Inc.

CLAIMS

1. (Canceled)
2. (Amended) [The method as recited in claim 1] A method for selecting communications channels for a communications system, the method comprising the computer-implemented steps of:
 - selecting, based upon performance of a plurality of communications channels at a first time and channel selection criteria, a first set of two or more communications channels from the plurality of communications channels, wherein the channel selection criteria specifies that for a particular communications channel to be selected, the particular communications channel (a) receives a specified number of affirmative votes to use the particular communications channel from a plurality of participants and (b) does not receive a negative vote from a particular participant to not use the particular communications channel;
 - selecting, based upon performance of the plurality of communications channels at a second time that is later than the first time and the channel selection criteria, a second set of two or more communications channels from the plurality of communications channels;
 - wherein the communications system is a frequency hopping communications system and the plurality of communications channels correspond to a set of frequencies to be used based on a hopping sequence according to a frequency hopping protocol; and
 - wherein at each hop in the hopping sequence, only one communications channel is used for communications between a pair of participants.
3. (Amended) The method as recited in claim [1]2, wherein the plurality of communications channels communicatively couple at least a plurality of wireless devices.
4. The method as recited in claim 3, wherein the plurality of wireless devices includes one or more mobile devices.
5. (Amended) The method as recited in claim [1]2, further comprising the steps of:
 - generating first channel identification data that identifies the first set of two or more communications channels;
 - transmitting the first channel identification data to one or more participants in the communications system over one communications channel of the plurality of communications channels based on the hopping sequence according to the frequency hopping protocol;
 - generating second channel identification data that identifies the second set of two or more communications channels; and
 - transmitting the second channel identification data to one or more participants in the communications system over one communications channel of the plurality of communications channels based on the hopping sequence according to the frequency hopping protocol.

6. (Amended) [The method as recited in claim 1,] A method for selecting communications channels for a communications system, the method comprising the computer-implemented steps of:

selecting, based upon performance of a plurality of communications channels at a first time and channel selection criteria, a first set of two or more communications channels from the plurality of communications channels, wherein:

the channel selection criteria specifies that for a particular communications channel to be selected, the particular communications channel receives a first specified number of votes to use the particular communications channel from among a plurality of votes;

each participant in a plurality of participants except for a particular participant casts one vote of the plurality of votes; and

the particular participant casts a second specified number of votes;

selecting, based upon performance of the plurality of communications channels at a second time that is later than the first time and the channel selection criteria, a second set of two or more communications channels from the plurality of communications channels;

wherein the communications system is a frequency hopping communications system and the plurality of communications channels correspond to a set of frequencies to be used based on a hopping sequence according to a frequency hopping protocol; and

wherein at each hop in the hopping sequence, only one communications channel is used for communications between a pair of participants.

7. (Amended) The method as recited in claim [1]2, wherein the channel selection criteria include a channel performance threshold.

8. (Amended) The method as recited in claim [1]2, further comprising the steps of:

generating first channel performance data that indicates the performance of the plurality of communications channels at the first time; and

generating second channel performance data that indicates the performance of the plurality of communications channels at the second time.

9. (Amended) [The method as recited in claim 1,] A method for selecting communications channels for a communications system, the method comprising the computer-implemented steps of:

selecting, based upon performance of a plurality of communications channels at a first time and channel selection criteria, a first set of two or more communications channels from the plurality of communications channels, wherein:

the channel selection criteria specifies that for a particular communications channel to be selected, the particular communications channel receives a specified number of votes to use the particular communications channel from among a plurality of votes; and

each participant in a plurality of participants casts one vote of the plurality of votes;

selecting, based upon performance of the plurality of communications channels at a second time that is later than the first time and the channel selection criteria, a second set of two or more communications channels from the plurality of communications channels;

wherein the communications system is a frequency hopping communications system and the plurality of communications channels correspond to a set of frequencies to be used based on a hopping sequence according to a frequency hopping protocol; and

wherein at each hop in the hopping sequence, only one communications channel is used for communications between a pair of participants.

10. (Amended) The method as recited in claim [1]2, further comprising the steps of: communicating, prior to the second time, over the first set of two or more communications channels, according to the frequency hopping protocol; and communicating, after a third time that is not earlier than the second time, over the second set of two or more communications channels, according to the frequency hopping protocol.

11. (Amended) The method as recited in claim [1]2, further comprising the steps of: determining the performance of the plurality of communications channels at the first time; and determining the performance of the plurality of communications channels at the second time.

12. (Amended) The method as recited in claim [1]2, wherein the performance of the plurality of communications channels is based on channel performance data that is transmitted over one or more of the plurality of communications channels based on the hopping sequence according to the frequency hopping protocol.

13. The method as recited in claim 12, wherein the performance of the plurality of communications channels is based on additional channel performance data that is based on transmitting the channel performance data over one or more of the plurality of communications channels based on the hopping sequence according to the frequency hopping protocol.

14. A method for selecting communications channels for a frequency hopping communications system, the method comprising the computer-implemented steps of: selecting, based upon performance of a plurality of communications channels at a first time and channel selection criteria, a first set of two or more communications channels from the plurality of communications channels, wherein the plurality of communications channels correspond to a set of frequencies to be used based on a hopping sequence according to a frequency hopping protocol, and wherein at each hop in the hopping sequence, only one communications channel is used for communications between a pair of participants; determining, based upon performance of the first set of two or more communications channels at a second time that is later than the first time, a number of communications channels from the first set of two or more communications channels that satisfy the channel selection criteria; and if the number of communications channels from the first set of two or more communications channels that satisfy the channel selection criteria at the second time is less than a specified number, then selecting, based upon performance of the plurality of communications channels at a third time that is later than the second time and the channel selection criteria, a second set of two or more communications channels from the plurality of communications channels in the frequency hopping communications system.

15. (Amended) A method for communicating with a participant in a communications arrangement, the method comprising the computer-implemented steps of:

- selecting, based on first performance data that indicates performance of a plurality of communications channels at a first time and at least a first performance criterion, a first set of two or more communications channels from the plurality of communications channels;
- generating first identification data that identifies the first set of two or more communications channels;
- providing the first identification data to the participant;
- communicating with the participant over the first set of two or more communications channels[.];
- wherein the plurality of communications channels correspond to a set of frequencies to be used based on a hopping sequence according to a frequency hopping protocol;
- wherein at each hop in the hopping sequence, only one communications channel is used for communications between a pair of participants;[and]
- wherein the first identification data is provided to the participant over one communications channel of the plurality of communications channels based on the hopping sequence according to the frequency hopping protocol;
- determining, based on second performance data that indicates performance of the first set of two or more communications channels at a second time that is later than the first time, a number of communications channels from the first set of two or more communications channels that satisfy at least a second performance criterion; and
- if the number of communications channels from the first set of two or more communications channels is less than a specified number, then:
 - selecting, based on third performance data that indicates performance of the plurality of communications channels at a third time that is at or later than the second time and at least a third performance criterion, a second set of two or more communications channels from the plurality of communications channels;
 - generating second identification data that identifies the second set of two or more communications channels;
 - providing the second identification data to the participant over one communications channel of the plurality of communications channels based on the hopping sequence according to the frequency hopping protocol; and
 - communicating with the participant over the second set of two or more communications channels.

16. The method of claim 15, wherein the participant is selected from the group consisting of a wireless device and a mobile device.

17. The method of claim 15, wherein the first performance data indicates performance for each communications channel of the plurality of communications channels.

18. The method of claim 15, wherein the step of providing the first identification data to the participant comprises the computer-implemented steps of:

- encrypting the first identification data; and
- providing the encrypted first identification data to the participant.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.