



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patents and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DO NOT USE IN PALM PRINTER

THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS

RATNER/PRESTIA

P O BOX 980

VALLEY FORGE, PA 19482

Date:

MAILED

JAN 12 2012

CENTRAL REEXAMINATION UNIT

**Transmittal of Communication to Third Party Requester
Inter Partes Reexamination**

REEXAMINATION CONTROL NO. : 95000648

PATENT NO. : 7027418

TECHNOLOGY CENTER : 3999

ART UNIT : 3992

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified Reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the inter partes reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an ex parte reexamination has been merged with the inter partes reexamination, no responsive submission by any ex parte third party requester is permitted.

All correspondence relating to this inter partes reexamination proceeding should be directed to the Central Reexamination Unit at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

PTOL-2070(Rev.07-04)

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



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
95/000,648	10/27/2011	7027418	SIRF-170REX	7148

29989 7590 01/12/2012
HICKMAN PALERMO TRUONG & BECKER, LLP
ONE ALMADEN BOULEVARD
FLOOR TWELVE
SAN JOSE, CA 95113

EXAMINER

POKRZYWA, JOSEPH R

ART UNIT	PAPER NUMBER
3992	

MAIL DATE	DELIVERY MODE
01/12/2012	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.

OFFICE ACTION IN INTER PARTES REEXAMINATION	Control No.	Patent Under Reexamination
	95/000,648	7027418
	Examiner	Art Unit
	JOSEPH R. POKRZYWA	3992

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

Responsive to the communication(s) filed by:

Patent Owner on _____

Third Party(ies) on 27 October, 2011.

RESPONSE TIMES ARE SET TO EXPIRE AS FOLLOWS:

For Patent Owner's Response:

2 MONTH(S) from the mailing date of this action. 37 CFR 1.945. EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.956.

For Third Party Requester's Comments on the Patent Owner Response:

30 DAYS from the date of service of any patent owner's response. 37 CFR 1.947. NO EXTENSIONS OF TIME ARE PERMITTED. 35 U.S.C. 314(b)(2).

All correspondence relating to this inter partes 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.

This action is not an Action Closing Prosecution under 37 CFR 1.949, nor is it a Right of Appeal Notice under 37 CFR 1.953.

PART I. THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892
2. Information Disclosure Citation, PTO/SB/08
3. _____

PART II. SUMMARY OF ACTION:

- 1a. Claims 1-122 and 125-128 are subject to reexamination.
- 1b. Claims 123 and 124 are not subject to reexamination.
2. Claims _____ have been canceled.
3. Claims _____ are confirmed. [Unamended patent claims]
4. Claims _____ are patentable. [Amended or new claims]
5. Claims 1-122 and 125-128 are rejected.
6. Claims _____ are objected to.
7. The drawings filed on _____ are acceptable are not acceptable.
8. The drawing correction request filed on _____ is: approved. disapproved.
9. Acknowledgment is made of the claim for priority under 35 U.S.C. 119 (a)-(d). The certified copy has:
 - been received. not been received. been filed in Application/Control No 95000648.
10. Other _____

DETAILED ACTION

Reexamination

1. **Claims 1-122 and 125-128** of U.S. Patent Number 7,027,418 (hereafter “the ‘418 Patent”) are the subject of this *inter partes* reexamination.

Listing of Prior Art

2. In the Request for Reexamination dated 10/27/2011; the Third Party Requester alleges that the ‘418 Patent **claims 1-122 and 125-128** are unpatentable in light of the following references:

- a. U.S. Patent Number 6,272,353 (noted as “Dicker ‘353”);
- b. U.S. Patent Number 6,760,319 (noted as “Gerten ‘319”);
- c. Kostic *et al.* “Dynamic Frequency Hopping in Wireless Cellular Systems - Simulations of Full-Replacement and Reduced-Overhead Methods,” 1999 IEEE 49th Vehicular Technology Conference, 1999 (noted as “Kostic”);
- d. Canadian Published Patent Application 2,252,012 (noted as “Duplessis ‘012”);
- e. U.S. Patent Number 6,418,317 (noted as “Cuffaro ‘317”);
- f. U.S. Patent Number 6,115,407 (noted as “Gendel ‘407”);
- g. U.S. patent Number 7,440,484 (noted as “Schmidl ‘484”);
- h. Japanese Patent Application Publication 10-107693 (noted as “Imamura ‘693”);

Art Unit: 3992

- i. Bluetooth Specification 1.0 B (noted as “BT Spec.”);
- j. U.S. Patent Number 5,937,002 (noted as Andersson ‘002”);
- k. U.S. Patent Number 5,956,642 (noted as “Larsson ‘642”); and
- l. U.S. Patent Number 5,323,447 (noted as “Gillis ‘447”).

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 (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Issue #1.

4. **Claims 1, 3-5, 7, 8, 11, 12, 14-19, 21-27, 32-42, 75-82, 85-90, 93-113, 118, and 119** are rejected under 35 U.S.C. 102(e) as being anticipated by Dicker ‘353.

Regarding ***claim 1***, Dicker ‘353 discloses a method for selecting communications channels for a communications system, the method comprising the computer-implemented steps of:

selecting, based upon performances 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 [see Abstract; also see col. 3, lines 23-45, wherein “To

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.