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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)



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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  
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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.

<b>OFFICE ACTION IN INTER PARTES REEXAMINATION</b>	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 49<sup>th</sup> 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

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