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BIRCH STEWART KOLASCH & BIRCH			PEZZLO, JOHN	
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DETAILED ACTION

Claim Rejections - 35 USC § 102

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.

I. Claims 1, 5, 7, and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Ou et al. (US 2010/0034162 A1) hereinafter Ou.

1. Regarding claim 1 – Ou discloses receiving an uplink grant (UL Grant) signal from a base station on a specific message, determining whether there is data stored in a message 3 (Msg3) buffer when receiving the UL Grant signal on the specific message, determining whether the specific message is a random access response message, and transmitting the data stored in the Msg3 buffer to the base station using the UL Grant signal received on the specific message, if there is data stored in the Msg3 buffer when receiving the UL Grant signal on the specific message and the specific message is the random access response message, refer to paragraphs [0007], [0008], [0015], [0016], [0038], [0039]. Ou discloses receiving an uplink grant on a

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specific message and transmitting a message 3 stored in a buffer in response to a random access response message.

2. Regarding claims 5 and 13 – Ou discloses the data stored in the Msg3 buffer is a Medium Access Control Protocol Data Unit (MAC PDU) including a user equipment identifier, refer to paragraph [0008].

3. Regarding claims 14 and 15 – Ou discloses the UL Grant signal received on the specific message is either a UL Grant signal received on a Physical Downlink Control Channel (PDCCH) or a UL Grant signal received on the random access response message, refer to [0007], [0008], [0015], [0016], [0038], [0039].

4. Regarding claim 7 – Ou discloses a reception module adapted to receive an uplink grant (UL Grant) signal from a base station on a specific message, a transmission module adapted to transmit data to the base station using the UL Grant signal received on the specific message, a message 3 (Msg3) buffer adapted to store UL data to be transmitted in a random access procedure, and a Hybrid Automatic Repeat Request (HARQ) entity adapted to determine whether there is data stored in the Msg3 buffer when the reception module receives the UL Grant signal and the specific message is a random access response message, acquiring the data stored in the Msg3 buffer if there is data stored in the Msg3 buffer when the reception module receives the UL Grant signal and the specific message is the random access response message, and controlling the transmission module to transmit the data stored in the Msg3 buffer to the base

station using the UL Grant signal received by the reception module on the specific message, refer to [0007], [0008], [0015, [0016], [0038], [0039].

5. Regarding claim 12 – Ou discloses the UL Grant signal received by the reception module on the specific message is a UL Grant signal received on a random access response message received on Physical Downlink Shared Channel (PDSCH), and wherein the HARQ entity controls the data stored in the Msg3 buffer to be transmitted using the UL Grant signal received on the random access response message if there is data stored in the Msg3 buffer when the reception module receives the UL Grant signal on the random access response message, refer to [0007], [0008], [0015, [0016], [0038], [0039].

Allowable Subject Matter

Claims 2-4, 6, and 8-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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