

64660 U.S. PTO



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(Also referred to as FORM PTO-1465)

REQUEST FOR EX PARTE REEXAMINATION TRANSMITTAL FORM

Address to:
Mail Stop Ex Parte Reexam
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Express Mail Label No.
EV 630 861 115 US
Attorney Docket No.: M-16056-RE US

Date: July 6, 2005

1. [X] This is a request for ex parte reexamination pursuant to 37 CFR 1.510 of patent number 5,029,183 issued July 2, 1991. The request is made by:

[] patent owner. [XX] third party requester.

64660 U.S. PTO
90007617



2. [X] The name and address of the person requesting reexamination is:

Edward C. Kwok
MacPherson Kwok Chen & Heid LLP
1762 Technology Drive, Suite 226
San Jose, CA 95110

3. [X] a. A check in the amount of \$ is enclosed to cover the reexamination fee, 37 CFR 1.20(c)(1);

[X] b. The Director is hereby authorized to charge the fee as set forth in 37 CFR 1.20(c)(1) to Deposit Account No. 50-2257 (submit duplicative copy for fee processing); or

[] c. Payment by credit card. Form PTO-2038 is attached.

4. [X] Any refund should be made by [] check or [X] credit to Deposit Account No. 50-2257. 37 CFR 1.26(c). If payment is made by credit card, refund must be to credit card account.

5. [X] A copy of the patent to be reexamined having a double column format on one side of a separate paper is enclosed. 37 CFR 1.510(b)(4)

6. [] CD-ROM or CD-R in duplicate, Computer Program (Appendix) or large table
[] Landscape Table on CD

7. [] Nucleotide and/or Amino Acid Sequence Submission
If applicable, items a. - c. are required.

a. [] Computer Readable Form (CRF)

b. Specification Sequence Listing on:

i. [] CD-ROM (2 copies) or CD-R (2 copies); or
ii. [] paper

c. [] Statements verifying identity of above copies

8. [] A copy of any disclaimer, certificate of correction or reexamination certificate issued in the patent is included.

9. [X] Reexamination of claim(s) 1, 16, 21, 35, 40-41 is requested.

10. [X] A copy of every patent or printed publication relied upon is submitted herewith including a listing thereof on Form PTO/SB/08, PTO-1449, or equivalent.

11. [] An English language translation of all necessary and pertinent non-English language patents and/or printed publications is included.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.510. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Ex Parte Reexam, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

12. The attached detailed request includes at least the following items:
- a. A statement identifying each substantial new question of patentability based on prior patents and printed publications. 37 CFR 1.510(b)(1)
 - b. An identification of every claim for which reexamination is requested, and a detailed explanation of the pertinency and manner of applying the cited art to every claim for which reexamination is requested. 37 CFR 1.510(b)(2)
13. A proposed amendment is included (only where the patent owner is the requester). 37 CFR 1.510(e)
14. a. It is certified that a copy of this request (if filed by other than the patent owner) has been served in its entirety on the patent owner as provided in 37 CFR 1.33(c).
 The name and address of the party served and the date of service are:
Alan Israel
Kirschstein, Ottinger, Israel & Schiffmiller, P.C.
489 Fifth Avenue
New York, NY 10017-6105
 Date of Service: July 6, 2005; or
- b. A duplicate copy is enclosed since service on patent owner was not possible.

15. Correspondence Address: Direct all communication about the reexamination to:

The address associated with Customer Number: 32605

OR

Firm or Individual Name

Address

City

State

Zip

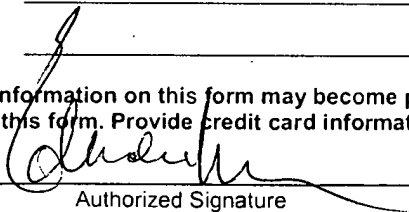
Country

Telephone

Email

16. The patent is currently the subject of the following concurrent proceeding(s):
- a. Copending reissue Application No. _____
 - b. Copending reexamination Control No. _____
 - c. Copending Interference No. _____
 - d. Copending litigation styled: _____

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Authorized Signature

July 6, 2005

Date

Edward C. Kwok

Typed/Printed Name

33,938

Registration No.

- For Patent Owner Requester
 For Third Party Requester

art to each such claim for which reexamination is requested is also included in this request, as required by 37 C.F.R. §1.510(b)(2).

Claims 1, 16, 21, 35 and 40-41 were the subject of prior litigation in the United States District Court for the District of Delaware, styled *Symbol Technologies, Inc. v. Proxim Incorporated*, Civil Action No. 1:01-cv-00801-SLR (the "Proxim litigation"). The Proxim litigation was settled following a trial. The '183 patent is currently asserted in litigation pending in the same court, styled, *Symbol Technologies, Inc. v. Intermec Technologies Corporation*, Civil Action No. 1:05-cv-00147-SLR (the "Intermec litigation"). It is not known whether the above claims are in issue in the Intermec litigation.

U.S. PATENT NO. 5,029,183

U.S. Patent No. 5,029,183 ("the '183 patent") issued on July 2, 1991, and was based on application Serial No. 07/374,452, which was filed June 29, 1989. The '183 patent identifies LaRoy Tymes as the named inventor. The '183 patent expires on June 29, 2009.

1. The '183 Patent Claims

The '183 patent has 84 claims. Claims 1, 21, 40, 50, 60, 70 and 76 are independent.

Claim 1 is directed to a "method of transmitting data packets from one of a plurality of remote terminal units to a base station." It includes two basic steps:

(a) transmitting a data packet from said one unit to said base station during a first time period selected by the unit, and

(b) receiving at said one unit from said base station an acknowledge signal during a second time period occurring only a fixed time delay after said first time period, said second time period being the same for at least some of said units.

Claim 16 is dependent on claim 1 and recites an additional step, namely, "receiving at said unit prior to said step of transmitting said data packet to detect transmission by other like

units.”

Independent claim 21 claims a “system for transmitting data packets from one of a plurality of first stations to a second station.” It includes two basic elements:

(a) a transmitter in said one first station for transmitting a data packet from said one first station to the second station during a first time period selected by said one first station, and

(b) a receiver in said one first station for receiving an acknowledge signal from the second station during a second time period occurring only in a time window referenced to said first time period by a fixed delay, said fixed delay being the same for all said plurality of first stations.

Claim 35 is dependent on claim 21. As claim 16 was related to claim 1, Claim 35 is likewise related to claim 21, and describes that “the transmitter at said first station receives prior to transmitting said data packet to detect transmission by other stations.”

Claims 40-41 have a similar type of relationship. In particular, independent claim 40 describes a “method of data transmission between a plurality of terminals and a base station.”

That method includes several steps:

(a) transmitting a data packet from one of said terminals to said base station at a time selected by said one of said terminals, the data packet including identification of said one of the terminals;

(b) receiving said transmitted data packet at said base station and transmitting an acknowledgement from the base station to said one of said terminals in a predetermined time window, at least part of said predetermined time window being the same for all of said terminals, said acknowledgement including identification of said terminal, and

(c) receiving said acknowledgement at said one terminal during said predetermined time window.

Dependent claim 41 further requires the step of first “receiving at said one terminal to detect transmission by another of said plurality of terminals, before transmitting said data

packet.”

2. The ‘183 Patent Specification

In the “Summary of the Invention” section of the ‘183 patent (the “Summary”), the invention is summarized as providing a “packet data communication system [that] includes a number of remote terminals for gathering data, and a communications link for sending packetized data to a central station and for receiving an acknowledge signal and data from the central station[; wherein] a packet-exchange protocol [] used for this communication link [] provides reduced power dissipation at the remote unit by activating the receive function for only a short time, rather than requiring the remote unit to receive or “listen” at all times.”¹ (Column 2, lines 56-66). The Summary then goes on to describe, from col. 2, line 66 to col. 3, line 2, additional features that are more or less recited in the claim language, namely:

To this end, the exchange protocol establishes a rigid time window keyed to a transmission by the remote unit, and the remote unit is responsive to a message from the central station only during this time window. The time window is defined to being at a fixed time delay after a transmission from the remote unit to the central station.²

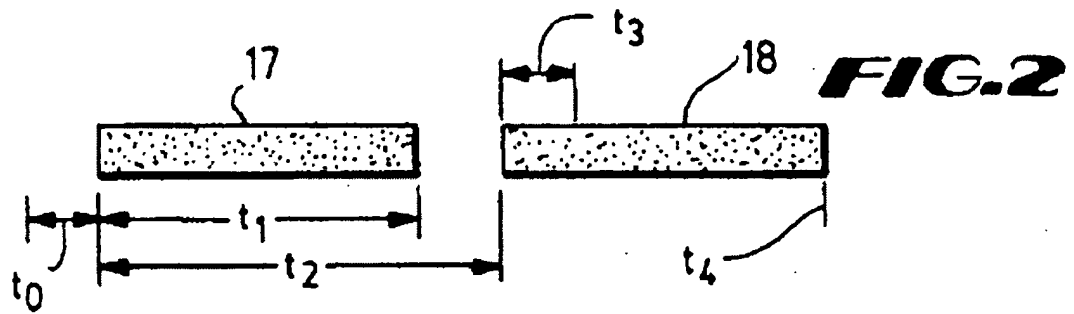
Thus, each of independent claims 1, 21 and 40 concerns a data communication protocol such as best illustrated in Figure 2 of the ‘183 patent (and reproduced below):

LAW OFFICES OF
MacPherson, Kwok, Chen &
Heid LLP

1762 Technology Dr.,
Suite 226
San Jose, CA 95110
(408)-392-9520
FAX (408)-392-9262

¹ The subject matter directed to “reduced power dissipation at the remote unit ...” was not recited in any claim of the ‘183 patent.

² Independent claims 1, 21 and 40 do not speak of a central station, but rather describe this function in the context of the base station or a “second” station, as the case may be.



In representative claim 1, the data packet transmitted from the remote unit is seen above as reference numeral 17, and the base station-to-remote unit data packet is illustrated as reference numeral 18. The “first time period selected by the unit” would be the time at which time period t_1 starts, and the second time period (time t_3) occurring only a fixed time delay (either time t_2 as measured from the start time, or time $t_2 - t_1$ as measured from the end time of data packet 17) after the first time period is illustrated as time t_3 . The “fixed time delay” as recited in claim 1 is either time t_2 as measured from the start time, or time $(t_2 - t_1)$ as measured from the end time of data packet 17. In representative claim 16, the unit receives “prior to said step of transmitting said data packet to detect transmission by other like units.” This operation occurs during time t_0 above.

3. The Prosecution History

The ‘183 patent was filed as U.S. patent application, serial No. 07/374,452 in the U.S. Patent & Trademark Office on June 29, 1989. Application claims 1, 16, 21, 35 and 40-41 correspond to the corresponding issued claims. As originally filed, application claim 1 described a method of transmitting data packets from a communications unit, comprising two steps:

(a) transmitting a data packet from the unit during a first

time period selected by the unit; and

(b) receiving at the unit an acknowledge signal during a second time period occurring only a fixed time delay after the first time period.

Dependent claim 16 described the further step of listening at the unit prior to the step of transmitting the data packet to see if other like units were transmitting. The claims were rejected on various grounds including indefiniteness, anticipation and obviousness.³ In a responsive amendment, the claims were amended into the form as they later issued, and the Applicant argued that “in the applicant’s system the remote units transmit at any time, at their own choosing, then the base station must respond in a fixed time.” (See, the Amendment, at page 6, received October 19, 1990). According to the Applicant’s counsel, the claims distinguished over the cited art “by reciting that the remote unit selects its time of transmission (rather than the time being dictated by the base station), and reciting that the remote units receive at a fixed time after transmission (rather than the base station receiving from the remote units at a time slot).” Further, it was noted that “the claims recite that the fixed time or the time window is the same for all remote units, which would not be possible with the system of the [cited prior art] where time slots are dictated to separate in time the transmissions from remote units.”

As the cited art apparently did not show “transmitting from the remote at a time selected by the remote, then receiving only at a fixed time window” (Amendment, at page 7, emphasis supplied), the claims, as amended, were allowed.

4. The Proxim litigation *Markman* Ruling

LAW OFFICES OF
MacPherson, Kwok, Chen &
Heid LLP

1762 Technology Dr.,
Suite 226
San Jose, CA 95110
(408)-392-9520
FAX (408)-392-9262

³ The claims were rejected over cited art U.S. Patent No. 4,829,540 to Waggener, Sr. et al. and U.S. Patent No. 4,247,908 to Lockhart, Jr. et al.

A *Markman* claim construction ruling was issued in the Proxim litigation. A copy of that ruling is attached (Exhibit A). The Court there construed the following terms in the claims at issue here:

- (a) “data packet” shall mean “a block of information that can be transmitted as a distinct entity.”
- (b) “remote terminal unit” shall mean a “wireless mobile unit.”
- (c) “base station” shall mean “a unit that transfers data between a remote terminal unit and a central computer, but which cannot initiate data communications with a remote terminal unit.”
- (d) “first time period selected by the unit” shall mean “a time period selected by the remote terminal unit during which the remote terminal unit transmits a data packet.”
- (e) “second time period occurring only a fixed time delay after said first time period” shall mean “a time period which occurs a fixed time after the first period.”
- (f) “receiving at said unit prior to said step of transmitting said data packet to detect transmission by other like units” shall mean the remote terminal unit “senses the medium before transmitting to determine whether the medium is in use.”

THE PRIOR ART PRESENTED IN THIS REQUEST

The very features that were argued to distinguish the claimed invention over the cited references (“transmitting from the remote at a time selected by the remote, then receiving only at a fixed time window”) were well-known in the prior art, but the relevant prior art references were not before the Examiner during the prosecution of the application.

Such prior art references include:

- (a) Binder et al. "ALOHA Packet Broadcasting: A Retrospect" AFIPS National Computer Conference Proceedings Volume 44 (May 19-22, 1975), pages 203-215 (Exhibit B).
- (b) Fralick et al. "Digital Terminals for Packet Broadcasting" AFIPS National Computer Conference (NCC) Proceedings Volume 44 (May 19-22, 1975), pages 253-262 (Exhibit C).
- (c) Kleinrock et al. "Packet Switching in Radio Channels: Part I – Carrier Sense Multiple-Access Modes and Their Throughput-Delay Characteristics," IEEE Transactions on Communications, Volume 23, No. 12, December 1975, pages 1400-1416 (Exhibit D).
- (d) U.S. Patent No. 4,479,261, to Oda et al., issued October 23, 1984, filed in the United States on April 18, 1983 (Exhibit E).
- (e) U.S. Patent No. 4,720,710, to Akahori et al., issued January 19, 1988, filed in the United States on June 20, 1983 (Exhibit F).
- (f) U.S. Patent No. 4,777,488, to Carlman, Jr. et al., issued October 11, 1988, filed May 16, 1986 (Exhibit G).

A SUBSTANTIAL NEW QUESTION OF PATENTABILITY

Kleinrock et al. (Exhibit D) describe the ALOHA System, an actual broadcast radio communications system that was in use to provide radio communications among computer

LAW OFFICES OF
MacPherson, Kwok, Chen &
Heid LLP

1762 Technology Dr.,
Suite 226
San Jose, CA 95110
(408)-392-9520
FAX (408)-392-9262

installations in Hawaii as early as 1970. On page 1401, the authors describe the “pure ALOHA” scheme that:

... permits users to transmit any time they desire. If, within some appropriate time-out period, they receive an acknowledgement from the destination, then they know that no conflicts occurred.

(emphasis supplied)

To further elaborate the acknowledgement scheme, Kleinrock et al. state at page 1403 that:

Some acknowledgement scheme is necessary to inform the transmitter of its success or failure. We assume a positive acknowledgement scheme; if within some specified delay (an appropriate time-out period) after the transmission of a packet, a user does not receive an acknowledgement, he knows he has conflicted.

(emphasis supplied)

Thus, in the first instance, Kleinrock et al. described the two features -- “transmitting from the remote at a time selected by the remote, then receiving only at a fixed time window” (Amendment, page 7, October 19, 1990) -- that, allegedly, were absent from the prior art cited during the ‘183 patent’s prosecution history. For this reason, the Kleinrock et al. paper itself raises a substantial new question of patentability with respect to at least claims 1, 21 and 40.

Kleinrock et al. also describe the by then (in 1975) well-known technique of attempting “to avoid collisions by listening to (i.e., ‘sensing’) the carrier due to another’s user’s transmission.” Such carrier sense multiple access (CSMA) techniques are the subject of dependent claims 16, 35 and 41. Thus, Kleinrock et al. also raise a substantial new question of patentability with respect to these claims.

While Kleinrock et al. provide a theoretical analysis of the data packet communication

protocols, Binder et al. and Fralick et al (Exhibits B and C) describe the ALOHA System, sometimes referred to as ALOHANET, in great detail. These articles were both published in the AFIPS Conference Proceedings for the National Computer Conference of May 19-22, 1975 at Anaheim, California. Each article describes the basic transmit-when-desired, acknowledge-within-timeout protocol identified in the Kleinrock et al. paper.⁴ In Binder et al., the original remote units were referred to as Terminal Control Units (TCUs); once microprocessors became available (by the mid-1970s), users of the ALOHANET took advantage of what the authors described as PCUs, “fully-programmable” control units. Binder et al. go on to say, at page 214 of their article: “[o]f particular interest is the possibility of designing low power battery operated portable PCUs for mobile units in the ALOHANET.” In describing the PCU design, Binder et al. explicitly reference Fralick et al. (“a companion paper in these proceedings”); Fralick et al. actually describe how to build one such battery-powered mobile unit. Fralick et al. also describe powering down of the transmitter, in effect, to preserve the battery (“[a]lthough the transmitter peak power is nominally 10 watts, the duty cycle will be very slow so that the transmitter will require only a few milliwatts average power”), and they also suggest the desirability of “[t]ransmit-only terminals”).

U.S. Patent 4,777,488 (the “Carlman, Jr. et al.”) describes a data packet communication system for use in an environment where users located at fixed units (e.g., at restaurant tables) communicate with one or more other display or controller units using a protocol exchange. While the preferred embodiment of this system involves “time slotted r.f.

⁴ Thus, e.g., Binder et al. describe (at page 204) that under “pure ALOHA mode of operation, packets are sent by the user nodes to the [base station, called MENEHUNE] in a completely unsynchronized manner ... [and] a positive acknowledgement protocol is used for packets sent on the random-access channel.” Fralick et al. illustrate the protocol in Figure 3 and describe the basic functionality in the accompanying text at pages 255-257 (“If an ACK is not received in a predetermined time, the typical protocol dictates retransmission in a pseudo-random time interval”). Fralick et al., at page 257, emphasis supplied.

data communications”, the patentees stated the invention could be implemented in a non-time slotted environment (where “collision detection might also be used”). In this patent, the units are described as battery-powered, and the packet exchange protocol explicitly describes turning on the receiver only when it is needed, e.g., to receive an acknowledgement, to preserve the battery. See, e.g., the discussion at Column 6, lines 4-6 that “[a]fter the message has been transmitted, the program loops back and the receiver is turned on to listen to determine if an acknowledgement message is received (emphasis supplied).” In the described protocol, once a given “cancel message” is received, the “microcomputer resets the power latch 33 causing the [] unit to, in effect, shut down and stop consuming power from the battery.”

Thus, Carlman Jr. et al. describe (in the words of the ‘183 patent Summary) a “packet-exchange protocol [] used for a communications link that provides reduced power dissipation at the remote unit by activating the receive function for only a short time, rather than requiring the remote unit to receive or “listen” at all times.” (‘183 patent, Column 2, lines 61-66).

Selective activation of a mobile unit’s receiver to preserve the unit’s battery, was not unique to Carlman, Jr. et al. Indeed, paging devices operated in this manner long before the filing date of the subject patent. Oda et al. and Akahori et al. are representative of such paging devices.

Thus, by June 1989, the filing date of the ‘183 patent, the basic packet-exchange protocol (“transmitting from the remote at a time selected by the remote, then receiving only at a fixed time window”) was how the ALOHANET worked, and there were numerous descriptions and teachings about use of low power-drain, transmit-only terminals in this very packet-based communications system. Selective operation of a mobile device receiver to

conserve a battery was suggested by Binder et al. (“[o]f particular interest is the possibility of designing low power battery operated portable PCUs for mobile units in the ALOHANET.”) and it was taught explicitly by such references as Carlman Jr., Oda et al. and Akahori et al. Of course, by this time carrier sense multiple access (CSMA) also was a well-developed art. *Except for CSMA (see the discussion at the ‘183 patent, Column 6, line 24), the ‘183 patent prosecution did not reflect any of this prior art.* Accordingly, a substantial new question of patentability exists with respect to each of claims 1, 16, 21, 35, 40 and 41, as there was nothing novel or unobvious about the subject matter in any such claim.

For purposes of this reexamination request, the various terms used throughout the claims should be afforded their broadest reasonable interpretation consistent with the specification. *Manual of Patent Examining Procedure* at §2111. The *Markman* ruling in the Proxim litigation is consistent with this approach.⁵

1. The cited art raises a substantial new question of patentability of each subject claim either under §102(e), §§102(e)/103, or §103(a), as indicated by the following representative claim charts⁶:

U.S. Patent No. 5,029,183	Applicability of the new art
1. A method of transmitting data packets from one of a plurality of remote terminal units to a base station, comprising the steps of:	The ALOHANET, as described by Kleinrock et al., involved a method of transmitting data packets from remote terminals to a central computer through an intermediary device. Binder et al. describe the specific implementation of the ALOHANET in 1975, which includes a plurality of remote

⁵ The Requester does not admit that the *Markman* ruling is correct in all respects.

⁶ One of ordinary skill in the art would be motivated to combine Binder et al. or Fralick et al. and Kleinrock et al., as all three references describe the ALOHANET, either theoretically or as actually implemented. Any of Carlman, Jr., Oda et al. or Akahori et al. likewise can be combined given Binder et al.’s express suggestion of the desirability of “designing low power battery operated portable PCU’s for mobile units in the ALOHANET (emphasis supplied).” As noted above, these secondary references specifically describe turning a mobile unit receiver on only when it is needed, i.e., only when the receiver is expected (by the nature of the protocol itself) to receive or to be in a position to receive a given signal. All three references do so to prevent power drain and to conserve the battery.

	<p>terminals communicated with a central computer through an intermediary, which was called MENEHUNE. In this system, as described in Binder et al., remote units communicated with the central computer over a random access channel, using the intermediary in effect as the base station. The <i>Markman</i> ruling in the Proxim litigation interpreted "base station" to mean "a unit that transfers data between a remote terminal unit and a central computer, but which cannot initiate data communications with a remote terminal unit." Whether or not this construction is adopted by the Office, the machine called MENEHUNE in the Binder et al. reference meets this limitation because, with respect to the random access channel, that machine could not initiate communications to any remote terminal unit. Binder et al. further explicitly stated that it would be of "particular interest [to design] low power battery operated portable PCU's for mobile units in the AHOLANET." In the <i>Markman</i> ruling, the "remote terminal units" were interpreted as wireless mobile units, precisely as Binder et al. had described.</p>
<p>(a) transmitting a data packet from said one unit to said base station during a first time period selected by the unit;</p>	<p>In the ALOHANET, as described by Kleinrock et al., remote users transmit "any time they desire." Binder et al. describes that the remote ALOHANET units operate "in a completely unsynchronized manner" – i.e., without time slots, and Fralick et al. describes the use of "transmit-only terminals" that work in the manner recited in this clause. In this respect, the <i>Markman</i> interpretation requires "a time period selected by the remote terminal unit during which the remote terminal unit transmits a data packet." Any ALOHANET terminal operates in this manner.</p> <p>In the alternative embodiment of Carlman, Jr. et al., a non-time slot based approach is suggested and, obviously, users (restaurant customers) would only operate the remote units if and when needed.</p>
<p>(b) receiving at said one unit from said base station an acknowledge signal during a second time period occurring only a fixed time delay after said first time period, said second time period being the same for at least some of said units.</p>	<p>According to the <i>Markman</i> ruling, a "second time period occurring only a fixed time delay after said first time period" means "a time period which occurs a fixed time after the first period." In the ALOHANET, as described by Kleinrock et al, a packet exchange protocol assumes "a positive acknowledgement scheme; if within some specified delay (an appropriate time-out period) after the transmission of a packet, a user does not receive an acknowledgement," the packet transmission is considered unsuccessful. Kleinrock's "time-out period" meets the claimed invention precisely.</p> <p>Any of Carlman, Jr., Oda et al. or Akahori et al. describe turning on a mobile unit receiver only when it is needed, i.e., only when the receiver is expected (by the nature of the protocol itself) to be receiving (or to be in a position to receive) a given signal. Of course, the claim itself is silent about powering a receiver up or down.</p> <p>The requirement that the "second time period being the same for at least some of [the] units" was described by the Applicant (in the Amendment, filed October 19, 1990) as merely a requirement that the units did not operate in a time-</p>

	slot based manner ⁷ , which is how the ALOHANET worked as taught by either Kleinrock et al., Binder et al., or Fralick et al.
16. A method according to claim 1 including the step of receiving at said unit prior to said step of transmitting said data packet to detect transmission by other like units.	According to the <i>Markman</i> ruling, this step means that the remote terminal unit "senses the medium before transmitting to determine whether the medium is in use." This is conventional CSMA, as described in Kleinrock et al, in Binder et al., or in the '183 specification itself as "admitted prior art."
21. A system for transmitting data packets from one of a plurality of first stations to a second station, comprising:	The ALOHANET, as described by Kleinrock et al., involved a method of transmitting data packets from remote terminals to a central computer through an intermediary device. Binder et al. describe the specific implementation of the ALOHANET in 1975, which includes a plurality of remote terminals communicated with a central computer through an intermediary, which was called MENEHUNE. In this system, as described in Binder et al., remote units communicated with the central computer over a random access channel, using the intermediary in effect as the second station. Binder et al. further explicitly stated that it would be of "particular interest [to design] low power battery operated portable PCU's for mobile units in the AHOLANET." In the <i>Markman</i> ruling, the "remote terminal units" were interpreted as wireless mobile units, precisely as Binder et al. had described.
(a) a transmitter in said one first station for transmitting a data packet from said one first station to the second station during a first time period selected by said one first station;	In the ALOHANET, as described by Kleinrock et al., remote users transmit "any time they desire." Binder et al. describes that the remote ALOHANET units operate "in a completely unsynchronized manner" – i.e., without time slots, and Fralick et al. describes the use of "transmit-only terminals" that work in the manner recited in this clause. In this respect, the <i>Markman</i> interpretation requires "a time period selected by the remote terminal unit during which the remote terminal unit transmits a data packet." Any ALOHANET terminal operates in this manner. Binder et al. and Fralick et al. each describe a remote unit in a station that includes the recited transmitter.
(b) a receiver in said one first station for receiving an acknowledge signal from the second station during a second time period occurring only in a time window referenced to said first time period by a fixed delay, said fixed delay being the same for all said plurality of first stations.	Binder et al. and Fralick et al. each describe that the remote unit in the station also includes the recited receiver. In the ALOHANET, as described by Kleinrock et al, a packet exchange protocol assumes "a positive acknowledgement scheme; if within some specified delay (an appropriate time-out period) after the transmission of a packet, a user does not receive an acknowledgement," the packet transmission is considered unsuccessful. Kleinrock's "time-out period" meets the claimed invention of a "second time period occurring only in a time window referenced to [the] first time period by a fixed delay," precisely as described. Any of Carlman, Jr., Oda et al. or Akahori et al. describe

LAW OFFICES OF
MacPherson, Kwok, Chen &
Heid LLP

1762 Technology Dr.,
Suite 226
San Jose, CA 95110
(408)-392-9520
FAX (408)-392-9262

⁷ In particular, the Applicant's counsel argued that the "claims recite that the fixed time or the time window is the same for all remote units, which would not be possible with the system of the reference where time slots are dictated to separate in time the transmissions from remote units."

	<p>turning on a mobile unit receiver only when it is needed, i.e., only when the receiver is expected (by the nature of the protocol itself) to be receiving a given signal. Of course, the claim itself is silent about powering a receiver up or down.</p> <p>The requirement that the "fixed delay being the same for all said plurality of first stations" was described by the Applicant (in the Amendment, filed October 19, 1990) as merely a requirement that the units did not operate in a time-slot based manner, which is how the ALOHANET worked as taught by either Kleinrock et al., Binder et al., or Fralick et al. The claim does not specify how many units comprise a "plurality of first stations" thus any subset of remote units in the ALOHANET as described by Kleinrock et al. and/or Binder et al./Fralick et al. meet this limitation.</p>
<p>35. A system according to claim 21 wherein the transmitter at said first station receives prior to transmitting said data packet to detect transmission by other stations.</p>	<p>According to the <i>Markman</i> ruling, this function means that the remote terminal unit "senses the medium before transmitting to determine whether the medium is in use." This is conventional CSMA, as described in Kleinrock et al, in Binder et al., or in the '183 specification itself as "admitted prior art."</p>
<p>40. A method of data transmission between a plurality of terminals and a base station, comprising the steps of:</p>	<p>The ALOHANET, as described by Kleinrock et al., involved a method of transmitting data packets from remote terminals to a central computer through an intermediary device. Binder et al. describe the specific implementation of the ALOHANET in 1975, which includes a plurality of remote terminals communicated with a central computer through an intermediary, which was called MENEHUNE. In this system, as described in Binder et al., remote units communicated with the central computer over a random access channel, using the intermediary in effect as the base station. The <i>Markman</i> ruling in the Proxim litigation interpreted "base station" to mean "a unit that transfers data between a remote terminal unit and a central computer, but which cannot initiate data communications with a remote terminal unit." Whether or not this construction is adopted by the Office, the machine called MENEHUNE in the Binder et al. reference meets this limitation because, with respect to the random access channel, that machine could not initiate communications to any remote terminal unit. Binder et al. further explicitly stated that it would be of "particular interest [to design] low power battery operated portable PCU's for mobile units in the ALOHANET." In the <i>Markman</i> ruling, the "remote terminal units" were interpreted as wireless mobile units, precisely as Binder et al. had described.</p>
<p>(a) transmitting a data packet from one of said terminals to said base station at a time selected by said one of said terminals, the data packet including identification of said one of the terminals;</p>	<p>In the ALOHANET, as described by Kleinrock et al., remote users transmit "any time they desire." Binder et al. describes that the remote ALOHANET units operate "in a completely unsynchronized manner" - i.e., without time slots, and Fralick et al. describes the use of "transmit-only terminals" that work in the manner recited in this clause. In this respect, the <i>Markman</i> interpretation requires "a time period selected by the remote terminal unit during which the remote terminal unit transmits a data packet." Any ALOHANET terminal operates in this manner.</p>

LAW OFFICES OF
MacPherson, Kwok, Chen &
Heid LLP

1762 Technology Dr.,
Suite 226
San Jose, CA 95110
(408)-392-9520
FAX (408)-392-9262

	<p>As described in Binder et al., ALOHANET used a two-frequency configuration with a single destination in the random access channel (the MENEHUNE), and a single source in a broadcast channel (the MENEHUNE). According to the authors, "only the sender's address is required in the random access channel and only the destination address in the broadcast channel, which in both cases is the user address." The claim requires that the transmitted data packet and the acknowledgement include an "identification," which is the user address.</p>
<p>(b) receiving said transmitted data packet at said base station and transmitting an acknowledgement from the base station to said one of said terminals in a predetermined time window, at least part of said predetermined time window being the same for all of said terminals, said acknowledgement including identification of said terminal, and</p>	<p>In the ALOHANET, as described by Kleinrock et al, a packet exchange protocol assumes "a positive acknowledgement scheme; if within some specified delay (an appropriate time-out period) after the transmission of a packet, a user does not receive an acknowledgement," the packet transmission is considered unsuccessful. Kleinrock's "time-out period" meets the claimed invention of a "predetermined time window," precisely as described.</p> <p>Any of Carlman, Jr., Oda et al. or Akahori et al. further describe turning on a mobile unit receiver only when it is needed, i.e., only when the receiver is expected (by the nature of the protocol itself) to be receiving a given signal. Of course, the claim itself is silent about powering a receiver up or down.</p> <p>The requirement that the "predetermined time window being the same for all said terminals" was described by the Applicant (in the Amendment, filed October 19, 1990) as merely a requirement that the units did not operate in a time-slot based manner, which is how the ALOHANET worked as taught by either Kleinrock et al., Binder et al., or Fralick et al. The claim does not specify how many units comprise a "plurality of said terminals" thus any subset of remote units in the ALOHANET as described by Kleinrock et al. and/or Binder et al./Fralich et al. meet this limitation.</p>
<p>(c) receiving said acknowledgement at said one terminal during said predetermined time window.</p>	<p>See the above discussion of the pure ALOHA data packet protocol.</p> <p>Any of Carlman, Jr., Oda et al. or Akahori et al. further describe turning on a mobile unit receiver only when it is needed, i.e., only when the receiver is expected (by the nature of the protocol itself) to be receiving a given signal. Of course, the claim itself is silent about powering a receiver up or down.</p>
<p>41. A method according to claim 40 including the step of first receiving at said one terminal to detect transmission by another of said plurality of terminals, before transmitting said data packet.</p>	<p>According to the <i>Markman</i> ruling, this function means that the remote terminal unit "senses the medium before transmitting to determine whether the medium is in use." This is conventional CSMA, as described in Kleinrock et al, in Binder et al., or in the '183 specification itself as "admitted prior art."</p>

LAW OFFICES OF
MacPherson, Kwok, Chen &
Heid LLP
1762 Technology Dr.,
Suite 226
San Jose, CA 95110
(408)-392-9530
FAX (408)-392-9262

CONCLUSION

For the reasons stated above, the Examiner was not provided or was not otherwise aware of the well-known prior art evidencing (a) “transmitting from the remote at a time selected by the remote, then receiving only at a fixed time window” as originally implemented in the ALOHANET and as described in the Kleinrock et al. paper, (b) the use of (or suggestion to design) battery-powered mobile devices in the ALOHANET as described in Binder et al. and/or Fralick et al., or (c) teachings such as any of Carlman, Jr. et al., Oda et al. or Akahori et al., which described selective activation of a mobile device receiver (in the words of the ‘183 patent Summary) “for only a short time, rather than requiring the remote unit to receive or ‘listen’ at all times (emphasis supplied).”

Thus, a substantial new question of patentability exists, as none of the subject matter set forth in claims 1, 16, 21, 35 and 40-41 currently satisfies the requirements of Title 35, U.S.C. § 100 *et seq.*

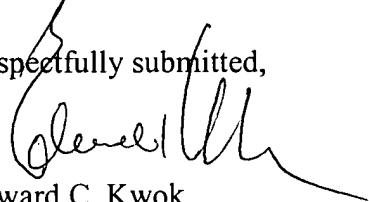
A Notice to this effect is requested.

If the Examiner has any question regarding the above, the Examiner is respectfully requested to telephone the undersigned at 408-392-9250.

EXPRESS MAIL LABEL NO.:

EV 630 861 115 US

Respectfully submitted,


Edward C. Kwok
Reg. No. 33,938

LAW OFFICES OF
MacPherson, Kwok, Chen &
Heid LLP

1762 Technology Dr.,
Suite 226
San Jose, CA 95110
(408)-392-9520
FAX (408)-392-9262

U.S. Department of Commerce, Patent and Trademark Office	Atty. Docket No.	Re-Exam Con No.:
	M-16056-RE US	Unassigned
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Applicant(s)
(Use several sheets if necessary)		LaRoy Tymes
	Re-Exam Date:	Group
	July 6, 2005	Unassigned

U.S. Patent Documents

*Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	AA	4,479,261	23 Oct. 1984	Oda et al.			
	AB	4,720,710	19 Jan. 1988	Akahori et al.			
	AC	4,777,488	11 Oct. 1988	Carlman, Jr. et al.			
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AL	Memorandum Order; Symbol Technologies, Inc. v Proxim Incorporated; C.A. No. 01-801-SLR; pages 1-7.					
	AM	Binder et al. "ALOHA Packet Broadcasting: A Retrospect" AFIPS National Computer Conference Proceedings Volume 44 (May 19-22, 1975), pages 203-215.					
	AN	Fralick et al. "Digital Terminals for Packet Broadcasting" AFIPS National Computer Conference (NCC) Proceedings Volume 44 (May 19-22, 1975), pages 253-262.					
	AO	Kleinrock et al. "Packet Switching in Radio Channels: Part I - Carrier Sense Multiple-Access Modes and Their Throughput-Delay Characteristics," IEEE Transactions on Communications, Volume 23, No. 12, December 1975, pages 1400-1416.					
	AP						

Examiner

Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with your communication to applicant.



UNITED STATES PATENT AND TRADEMARK OFFICE

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



Bib Data Sheet

CONFIRMATION NO. 7501

SERIAL NUMBER 90/007,617	FILING OR 371(c) DATE 07/06/2005 RULE	CLASS 375	GROUP ART UNIT 2631	ATTORNEY DOCKET NO. M-16056-REUS
------------------------------------	---	---------------------	-------------------------------	--

APPLICANTS
 5029183, Residence Not Provided;
 Symbol Technologies Inc.(Owner), Houston, TX;
 Edward C. Kwok(3rd. Pty. Req.), San Jose, CA;
 Edward C. Kwok, San Jose, CA

**** CONTINUING DATA *******
 This application is a REX of 07/374,452 06/29/1989 PAT 5,029,183


**** FOREIGN APPLICATIONS *******

Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no	STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS 84	INDEPENDENT CLAIMS 7
35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance				
Verified and Acknowledged	Examiner's Signature	Initials		

ADDRESS
 John G. Graham
 ARNOLD WHITE & DURKEE
 P.O. Box 4433
 Houston ,TX 77210

TITLE
 PACKET DATA COMMUNICATION NETWORK

FILING FEE RECEIVED 2520	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees
		<input type="checkbox"/> 1.16 Fees (Filing)
		<input type="checkbox"/> 1.17 Fees (Processing Ext. of time)
		<input type="checkbox"/> 1.18 Fees (Issue)
		<input type="checkbox"/> Other _____
		<input type="checkbox"/> Credit

Application Number 	Application/Control No. 90/007,617	Applicant(s)/Patent under Reexamination 5029183	
	Examiner ***	Art Unit 2631	

Index of Claims



Application/Control No.

90/007,617

Examiner

Applicant(s)/Patent under Reexamination

5029183

Art Unit

2631

√	Rejected
=	Allowed

—	(Through numeral) Cancelled
+	Restricted


N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date			
Final	Original				
	1				
	2				
	3				
	4				
	5				
	6				
	7				
	8				
	9				
	10				
	11				
	12				
	13				
	14				
	15				
	16				
	17				
	18				
	19				
	20				
	21				
	22				
	23				
	24				
	25				
	26				
	27				
	28				
	29				
	30				
	31				
	32				
	33				
	34				
	35				
	36				
	37				
	38				
	39				
	40				
	41				
	42				
	43				
	44				
	45				
	46				
	47				
	48				
	49				
	50				

Claim		Date			
Final	Original				
	51				
	52				
	53				
	54				
	55				
	56				
	57				
	58				
	59				
	60				
	61				
	62				
	63				
	64				
	65				
	66				
	67				
	68				
	69				
	70				
	71				
	72				
	73				
	74				
	75				
	76				
	77				
	78				
	79				
	80				
	81				
	82				
	83				
	84				
	85				
	86				
	87				
	88				
	89				
	90				
	91				
	92				
	93				
	94				
	95				
	96				
	97				
	98				
	99				
	100				


Claim		Date			
Final	Original				
	101				
	102				
	103				
	104				
	105				
	106				
	107				
	108				
	109				
	110				
	111				
	112				
	113				
	114				
	115				
	116				
	117				
	118				
	119				
	120				
	121				
	122				
	123				
	124				
	125				
	126				
	127				
	128				
	129				
	130				
	131				
	132				
	133				
	134				
	135				
	136				
	137				
	138				
	139				
	140				
	141				
	142				
	143				
	144				
	145				
	146				
	147				
	148				
	149				
	150				

Issue Classification 	Application/Control No.	Applicant(s)/Patent under Reexamination	
	90/007,617	5029183	
Examiner	Art Unit		
***	2631		

ISSUE CLASSIFICATION									
ORIGINAL				CROSS REFERENCE(S)					
CLASS	SUBCLASS			CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)				
375	141								
INTERNATIONAL CLASSIFICATION									
			/						
			/						
			/						
			/						
			/						

(Assistant Examiner) (Date)	(Primary Examiner) (Date)	Total Claims Allowed:	
(Legal Instruments Examiner) (Date)		O.G. Print Claim(s)	O.G. Print Fig.

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant												<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47	
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original				
	1		31		61		91		121		151		181				
	2		32		62		92		122		152		182				
	3		33		63		93		123		153		183				
	4		34		64		94		124		154		184				
	5		35		65		95		125		155		185				
	6		36		66		96		126		156		186				
	7		37		67		97		127		157		187				
	8		38		68		98		128		158		188				
	9		39		69		99		129		159		189				
	10		40		70		100		130		160		190				
	11		41		71		101		131		161		191				
	12		42		72		102		132		162		192				
	13		43		73		103		133		163		193				
	14		44		74		104		134		164		194				
	15		45		75		105		135		165		195				
	16		46		76		106		136		166		196				
	17		47		77		107		137		167		197				
	18		48		78		108		138		168		198				
	19		49		79		109		139		169		199				
	20		50		80		110		140		170		200				
	21		51		81		111		141		171		201				
	22		52		82		112		142		172		202				
	23		53		83		113		143		173		203				
	24		54		84		114		144		174		204				
	25		55		85		115		145		175		205				
	26		56		86		116		146		176		206				
	27		57		87		117		147		177		207				
	28		58		88		118		148		178		208				
	29		59		89		119		149		179		209				
	30		60		90		120		150		180		210				

Reexamination 	Application/Control No. 90/007,617	Applicant(s)/Patent Under Reexamination 5029183
	Certificate Date	Certificate Number

Requester Correspondence Address: <input type="checkbox"/> Patent Owner <input checked="" type="checkbox"/> Third Party
Edward C. Kwok MACPHERSON KWOK CHEN & HEID LLP 1762 Technology Drive, Suite 226 San Jose, CA 95110

LITIGATION REVIEW <input type="checkbox"/>	(examiner initials)	(date)
Case Name	Director Initials	

COPENDING OFFICE PROCEEDINGS	
TYPE OF PROCEEDING	NUMBER
1.	
2.	
3.	
4.	

Patent Assignment Abstract of Title

Total Assignments: 2

Application #: 07374452 **Filing Dt:** 06/29/1989 **Patent #:** 5029183 **Issue Dt:** 07/02/1991
PCT #: NONE **Publication #:** NONE **Pub Dt:**

Inventor: LAROY TYMES

Title: PACKET DATA COMMUNICATION NETWORK

Assignment: 1

Reel/Frame: 005098/0973 **Received:** **Recorded:** 06/29/1989 **Mailed:** NONE **Pages:** 1

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST.

Assignor: TYMES, LAROY

Exec Dt: 06/27/1989

Assignee: SYMBOL TECHNOLOGIES, INC., 116 WILBUR PLACE, BOHEMIA, NY 11716-3300, A CORP. OF DE.

Correspondent: JOHN G. GRAHAM
ARNOLD, WHITE & DURKEE
P.O BOX 4433
HOUSTON, TX 77210

Assignment: 2

Reel/Frame: 016116/0203 **Received:** 01/06/2005 **Recorded:** 01/05/2005 **Mailed:** 06/10/2005 **Pages:** 83

Conveyance: SECURITY INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: SYMBOL TECHNOLOGIES, INC.

Exec Dt: 12/29/2004

Assignee: JPMORGAN CHASE BANK, N.A.
270 PARK AVENUE
AS COLLATERAL AGENT
NEW YORK, NEW YORK 10017

Correspondent: PENELOPE AGODOA
FEDERAL RESEARCH CORPORATION
1030 15TH STREET, NW
SUITE 920
WASHINGTON, DC 20005

Search Results as of: 7/8/2005 4:26:19 P.M.

If you have any comments or questions concerning the data displayed, contact OPR / Assignments at 703-308-9723
Web interface last modified: Oct. 5, 2002


UNITED STATES PATENT AND TRADEMARK OFFICE

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

REEXAM CONTROL NUMBER	FILING OR 371 (c) DATE	PATENT NUMBER
90/007,617	07/06/2005	5029183

Edward C. Kwok
 MACPHERSON KWOK CHEN & HEID LLP
 1762 Technology Drive, Suite 226
 San Jose, CA 95110

CONFIRMATION NO. 7501


OC000000016487585

Date Mailed: 07/11/2005

NOTICE OF REEXAMINATION REQUEST FILING DATE
(Third Party Requester)

Requester is hereby notified that the filing date of the request for reexamination is 07/06/2005, the date the required fee of \$2,520 was received.

A decision on the request for reexamination will be mailed within three months from the filing date of the request for reexamination. (See 37 CFR 1.515(a)).

A copy of the Notice is being sent to the person identified by the requester as the patent owner. Further patent owner correspondence will be the latest attorney or agent of record in the patent file. (See 37 CFR 1.33). Any paper filed should include a reference to the present request for reexamination (by Reexamination Control Number).

cc: Patent Owner

John G. Graham
 ARNOLD WHITE & DURKEE
 P.O. Box 4433
 Houston, TX 77210

Office of Patent Legal Administration
 Central Reexamination Unit 571-272-7705

PART 3 - OFFICE COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

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

REEXAM CONTROL NUMBER	FILING OR 371 (c) DATE	PATENT NUMBER
90/007,617	07/06/2005	5029183

John G. Graham
ARNOLD WHITE & DURKEE
P.O. Box 4433
Houston, TX 77210

CONFIRMATION NO. 7501
REEXAM ASSIGNMENT NOTICE

OC000000016487586

Date Mailed: 07/11/2005

NOTICE OF ASSIGNMENT OF REEXAMINATION REQUEST

The above-identified request for reexamination has been assigned to Art Unit 2631. All future correspondence to the proceeding should be identified by the control number listed above and directed to the assigned Art Unit.

A copy of this Notice is being sent to the latest attorney or agent of record in the patent file or to all owners of record. (See 37 CFR 1.33(c)). If the addressee is not, or does not represent, the current owner, he or she is required to forward all communications regarding this proceeding to the current owner(s). An attorney or agent receiving this communication who does not represent the current owner(s) may wish to seek to withdraw pursuant to 37 CFR 1.36 in order to avoid receiving future communications. If the address of the current owner(s) is unknown, this communication should be returned within the request to withdraw pursuant to Section 1.36.

cc: Third Party Requester(if any)

Edward C. Kwok
MACPHERSON KWOK CHEN & HEID LLP
1762 Technology Drive, Suite 226
San Jose, CA 95110

Office of Patent Legal Administration
Central Reexamination Unit 571-272-7705

PART 3 - OFFICE COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
90/007,617	07/06/2005	5029183	M-16056-REUS	7501

7590 09/16/2005
John G. Graham
ARNOLD WHITE & DURKEE
P.O. Box 4433
Houston, TX 77210

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



DO NOT USE IN PALM PRINTER

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

Edward C. Kwok
MacPherson Kwok Chen & Heid LLP
1762 Technology Drive, Suite 226
San Jose, CA 95110

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/007,617.

PATENT NO. 5029183.

ART UNIT 2662.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Order Granting / Denying Request For Ex Parte Reexamination	Control No. 90/007,617	Patent Under Reexamination 5029183	
	Examiner Hanh Nguyen	Art Unit 2662	

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

The request for *ex parte* reexamination filed 06 July 2005 has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a) PTO-892, b) PTO-1449, c) Other: _____

1. The request for *ex parte* reexamination is GRANTED.

RESPONSE TIMES ARE SET AS FOLLOWS:

For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date of this communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

For Requester's Reply (optional): TWO MONTHS from the **date of service** of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.

2. The request for *ex parte* reexamination is DENIED.

This decision is not appealable (35 U.S.C. 303(c)). Requester may seek review by petition to the Commissioner under 37 CFR 1.181 within ONE MONTH from the mailing date of this communication (37 CFR 1.515(c)). **EXTENSION OF TIME TO FILE SUCH A PETITION UNDER 37 CFR 1.181 ARE AVAILABLE ONLY BY PETITION TO SUSPEND OR WAIVE THE REGULATIONS UNDER 37 CFR 1.183.**

In due course, a refund under 37 CFR 1.26 (c) will be made to requester:

- a) by Treasury check or,
- b) by credit to Deposit Account No. _____, or
- c) by credit to a credit card account, unless otherwise notified (35 U.S.C. 303(c)).

cc: Requester (if third party requester)

Reexamination

A substantial new question of patentability affecting claims 1-84 of United States Patent Number 5,029,183 is raised by the request for *ex parte* reexamination.

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that *ex parte* reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extensions of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

It is agreed that a consideration of each cited references taken either individually or in combination with one or more cited references raises a substantial new question of patentability as to claims 1-84 of the 5,029,183 patent. As pointed out in the request, each of the cited references explicitly or implicitly teaches: (i) an Aloha method that permits mobile users to transmit packets to a central computer at any time they desire; (ii) turn on the receiver of mobile user only when it is needed to receive an acknowledgement from the central computer, assuming a positive acknowledgement is received at the mobile user in the manner recited in claims 1, 21, 40 of the 5,029,183 patent; and (iii) a well-known Carrier Sense Multiple Access (CSMA) technique of attempting to avoid collisions by listening to another user 's transmission in the manner recited in claims 16, 35, 41 of the 5,029,183 patent.

The teachings (i), (ii) and (iii) were not present in the prosecution of the application which became the 5,029,183 patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings, taken collectively, to be important in deciding whether or not the claims are patentable. Accordingly, each of the cited references above raises new

Art Unit: 2662

question of patentability as to claims 1-84, which question has not been decided in a previous examination of the 5,029,183 patent.

The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 5,029,183 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

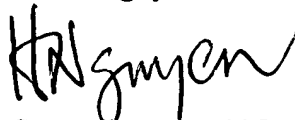
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Friday from 8 AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on 571 272 3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

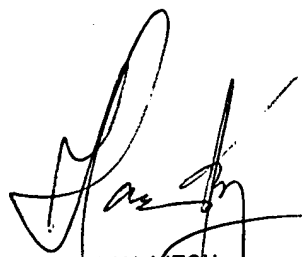
Art Unit: 2662

Hanh Nguyen

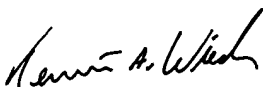


September 14, 2005

**HANH NGUYEN
PRIMARY EXAMINER**



**HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**



**KENNETH WIEDER
SPECIAL PROGRAM EXAMINER
TECHNOLOGY CENTER 2600**

7/6/05

U.S. Department of Commerce, Patent and Trademark Office	Atty. Docket No.	Re-Exam Con No.:
	M-16056-RE US	Unassigned
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Applicant(s)
(Use several sheets if necessary)		LaRoy Tymes
	Re-Exam Date:	Group 2662
	July 6, 2005	Unassigned Nguyen, H

U.S. Patent Documents

*Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
HN	AA	4,479,261	23 Oct. 1984	Oda et al.			
HN	AB	4,720,710	19 Jan. 1988	Akahori et al.			
HN	AC	4,777,488	11 Oct. 1988	Carlman, Jr. et al.			
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

HN	AL	Memorandum Order; Symbol Technologies, Inc. v Proxim Incorporated; C.A. No. 01-801-SLR; pages 1-7.					
HN	AM	Binder et al. "ALOHA Packet Broadcasting: A Retrospect" AFIPS National Computer Conference Proceedings Volume 44 (May 19-22, 1975), pages 203-215.					
HN	AN	Fralick et al. "Digital Terminals for Packet Broadcasting" AFIPS National Computer Conference (NCC) Proceedings Volume 44 (May 19-22, 1975), pages 253-262.					
HN	AO	Kleinrock et al. "Packet Switching in Radio Channels: Part I - Carrier Sense Multiple-Access Modes and Their Throughput-Delay Characteristics," IEEE Transactions on Communications, Volume 23, No. 12, December 1975, pages 1400-1416.					
	AP						

Examiner HN Nguyen Date Considered 9/14/05

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with your communication to applicant.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REVOCAION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS	Application Number	90/007,617
	Filing Date	July 6, 2005
	First Named Inventor	L. Tymes
	Art Unit	Unassigned
	Examiner Name	Unassigned
	Attorney Docket Number	2319.065REX0

I hereby revoke all previous powers of attorney given in the above-identified application.

A Power of Attorney is submitted herewith.

OR

I hereby appoint the practitioners associated with the Customer Number: 26111

Please change the correspondence address for the above-identified application to:

The address associated with Customer Number: 26111

OR

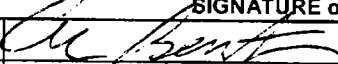
<input type="checkbox"/> Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Email		

I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.
 Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature: 

Name: Aaron Bernstein, VP & Deputy General Counsel Intellectual Property

Date: 10 Feb 06 Telephone: (631) 738-4055

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

STATEMENT UNDER 37 CFR 3.73(b)

2319.065REX0

Applicant/Patent Owner: L. Tymes

Application No./Patent No./Control No.: 90/007,617 Filed/Issue Date: July 6, 2005

Entitled: Packet Data Communication Network

Symbol Technologies, Inc., a _____ corporation

(Name of Assignee)

(Type of Assignee: corporation, partnership, university, government agency, etc.)

states that it is:

1. the assignee of the entire right, title, and interest; or
2. an assignee of less than the entire right, title and interest
 (The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 016116, Frame 0203, or a true copy of the original assignment is attached.

OR

B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

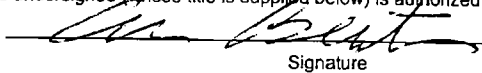
1. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.


 Signature

10 Feb 06
 Date

Aaron Bernstein
 Printed or Typed Name

(631) 738-4055
 Telephone Number

VP & Deputy General Counsel Intellectual Property
 Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Electronic Acknowledgement Receipt

EFS ID:	1004983
Application Number:	90007617
Confirmation Number:	7501
Title of Invention:	PACKET DATA COMMUNICATION NETWORK
First Named Inventor:	5029183
Correspondence Address:	John G. Graham ARNOLD WHITE & DURKEE P.O. Box 4433 - Houston TX 77210 US - -
Filer:	Michele A. Cimbala
Filer Authorized By:	
Attorney Docket Number:	M-16056-REUS
Receipt Date:	13-FEB-2006
Filing Date:	06-JUL-2005
Time Stamp:	15:03:35
Application Type:	Utility

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part	Pages
1	Transmittal letter	2319_065REX0TL.pdf	54065	no	1
Warnings:					
2	Power of Attorney (may include Associate POA)	2319_065REX0RevofPOAandNewPOAandChangeofCorr Adrs.pdf	47793	no	1
Warnings:					
3	Transmittal letter	2319_065REX0373bStatement.pdf	54994	no	1
Warnings:					
Total Files Size (in bytes):			156852		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p>					



Robert Greene Sterne
Edward J. Kessler
Jorge A. Goldstein
David K.S. Comwell
Robert W. Esmond
Tracy-Gene G. Durkin
Michele A. Cimbala
Michael B. Ray
Robert E. Sokohl
Eric K. Steffe
Michael Q. Lee
Steven R. Ludwig
John M. Covert
Linda E. Horner
Robert C. Millonig
Donald J. Featherstone
Timothy J. Shea, Jr
Michael V. Messinger

Judith U. Kim
Patrick E. Garrett
Jeffrey T. Helvey
Heidi L. Kraus
Eldora L. Ellison
Thomas C. Fiala
Donald R. Banowitz
Peter A. Jackman
Jeffrey S. Weaver
Vincent L. Capuano
Brian J. Del Buono
Virgil Lee Beaton
Theodore A. Wood
Elizabeth J. Haanes
Joseph S. Ostroff
Frank R. Cottingham
Rae Lynn P. Guest
Daniel A. Klein

Jason D. Eisenberg
Michael D. Specht
Tracy L. Muller
Jon E. Wright
LuAnne M. DeSantis
Ann E. Summerfield
Helene C. Carlson
Cynthia M. Bouchez
Timothy A. Doyle
Gaby L. Longworth
Lori A. Gordon
Nicole D. Dretar
Ted J. Ebersole
Laura A. Vogel
Bryan S. Wade
Aaron L. Schwartz
Bashir M.S. Ali
Shannon A. Carroll

Wesley W. Jones
Matthew E. Kelley
Michelle K. Holoubek
Marsha A. Rose
W. Blake Coblenz
James J. Pohl
John T. Haran
Mark W. Rygiel

Registered Patent Agents*
Karen R. Markowicz
Nancy J. Leith
Matthew J. Dowd
Katrina Yujian Pei Quach
Bryan L. Skelton
Robert A. Schwartzman
Teresa A. Colella
Victoria S. Rutherford

Simon J. Elliott
Julie A. Heider
Mita Mukherjee
Scott M. Woodhouse
Christopher J. Walsh
Liliana Di Nola-Baron
Peter A. Socarras
Jeffrey Mills
Danielle L. Letting
Lori Brandes

Of Counsel
Kenneth C. Bass III
Marvin C. Guthrie

*Admitted only in Maryland
*Admitted only in Virginia
*Practice Limited to Federal Agencies

February 13, 2006

WRITER'S DIRECT NUMBER:
(202) 772-8677
INTERNET ADDRESS:
RSOKOHL@SKGF.COM

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit Unassigned

Re: U.S. Reexamination Patent Application
Application No. 90/007,617; Filed: July 6, 2005
For: **Packet Data Communication Network**
Inventor: L. Tymes
Our Ref: 2319.065REX0

Sir:

Transmitted herewith for appropriate action are the following documents:

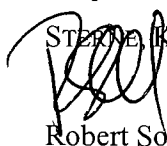
1. Copy of an original, executed Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address (Form PTO/SB/82); and
2. Copy of an original, executed Statement Under 37 C.F.R § 3.73(b).

These documents are being submitted via EFS-web.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,


STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
Robert Sokohl

Attorney for Applicant
Registration No. 36,013

RES/srb
Enclosures

496102_1.DOC

Index of Claims



Application/Control No.

90/007,617

Examiner

Hanh Nguyen

Applicant(s)/Patent under Reexamination

5029183

Art Unit

2668

√	Rejected
=	Allowed

-	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date
Final	Original	
	1	✓
	2	
	3	
	4	
	5	
	6	
	7	
	8	
	9	
	10	
	11	
	12	
	13	
	14	
	15	
	16	
	17	
	18	
	19	✓
	20	✓
	21	✓
	22	
	23	
	24	
	25	
	26	
	27	
	28	
	29	
	30	
	31	
	32	
	33	
	34	
	35	
	36	
	37	
	38	
	39	
	40	
	41	
	42	
	43	
	44	✓
	45	0
	46	0
	47	✓
	48	✓
	49	✓
	50	✓

Claim		Date
Final	Original	
	51	✓
	52	
	53	
	54	
	55	
	56	✓
	57	✓
	58	0
	59	0
	60	✓
	61	
	62	
	63	
	64	
	65	
	66	
	67	✓
	68	✓
	69	0
	70	0
	71	
	72	
	73	
	74	✓
	75	✓
	76	✓
	77	
	78	
	79	
	80	
	81	
	82	✓
	83	
	84	✓
	85	
	86	
	87	
	88	
	89	
	90	
	91	
	92	
	93	
	94	
	95	
	96	
	97	
	98	
	99	
	100	

Claim		Date
Final	Original	
	101	
	102	
	103	
	104	
	105	
	106	
	107	
	108	
	109	
	110	
	111	
	112	
	113	
	114	
	115	
	116	
	117	
	118	
	119	
	120	
	121	
	122	
	123	
	124	
	125	
	126	
	127	
	128	
	129	
	130	
	131	
	132	
	133	
	134	
	135	
	136	
	137	
	138	
	139	
	140	
	141	
	142	
	143	
	144	
	145	
	146	
	147	
	148	
	149	
	150	



UNITED STATES PATENT AND TRADEMARK OFFICE

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



Bib Data Sheet

CONFIRMATION NO. 7501

SERIAL NUMBER 90/007,617	FILING OR 371(c) DATE 07/06/2005 RULE	CLASS 375 370	GROUP ART UNIT 2631 2668	ATTORNEY DOCKET NO. M-16056-REUS
------------------------------------	---	----------------------------	--	--

APPLICANTS

5029183, Residence Not Provided;
 Symbol Technologies Inc.(Owner), Houston, TX;
 Edward C. Kwok(3rd. Pty. Req.), San Jose, CA;
 Edward C. Kwok, San Jose, CA

**** CONTINUING DATA *******

This application is a REX of 07/374,452 06/29/1989 PAT 5,029,183

**** FOREIGN APPLICATIONS *******

Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no	35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance	Verified and Acknowledged _____ Examiner's Signature	_____ Initials	STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS 84	INDEPENDENT CLAIMS 7
--	--	--	-------------------	-------------------------	-----------------------	---------------------------	--------------------------------

ADDRESS

John G. Graham
 ARNOLD WHITE & DURKEE
 P.O. Box 4433
 Houston ,TX 77210

TITLE

PACKET DATA COMMUNICATION NETWORK

FILING FEE RECEIVED 2520	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit
------------------------------------	---	---


UNITED STATES PATENT AND TRADEMARK OFFICE

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 NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
90/007,617	07/06/2005	5029183	M-16056-REUS

26111
 STERNE, KESSLER, GOLDSTEIN & FOX PLLC
 1100 NEW YORK AVENUE, N.W.
 WASHINGTON, DC 20005

CONFIRMATION NO: 7501


OC000000018050579

Date Mailed: 02/14/2006

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/13/2006.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Reinhard J. Eisenzopf
 REINHARD J EISENZOPF
 2600 (571) 272-2983 *fen*

OFFICE COPY


UNITED STATES PATENT AND TRADEMARK OFFICE

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 NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
90/007,617	07/06/2005	5029183	M-16056-REUS

John G. Graham
 ARNOLD WHITE & DURKEE
 P.O. Box 4433
 Houston, TX 77210

CONFIRMATION NO. 7501


OC000000018050501

Date Mailed: 02/14/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/13/2006.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Reinhard J. Eisenzopf
 REINHARD J EISENZOPF
 2600 (571) 272-2983

OFFICE COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
90/007,617	07/06/2005	5029183	M-16056-REUS	7501
26111	7590	02/14/2006	EXAMINER	
STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			ART UNIT PAPER NUMBER	

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



DO NOT USE IN PALM PRINTER

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

Edward C. Kwok
MacPherson Kwok Chen & Heid LLP
1762 Technology Drive, Suite 226
San Jose, CA 95110

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/007,617.

PATENT NO. 5029183.

ART UNIT 2662.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Office Action in Ex Parte Reexamination	Control No. 90/007,617	Patent Under Reexamination 5029183	
	Examiner Hanh Nguyen	Art Unit 2668	

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

- a Responsive to the communication(s) filed on 06 July 2005. b This action is made FINAL.
c A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire 2 month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).** If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

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

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 3. <input type="checkbox"/> Interview Summary, PTO-474. |
| 2. <input checked="" type="checkbox"/> Information Disclosure Statement, PTO-1449. | 4. <input type="checkbox"/> _____. |

Part II SUMMARY OF ACTION

- 1a. Claims 1-84 are subject to reexamination.
1b. Claims _____ are not subject to reexamination.
2. Claims _____ have been canceled in the present reexamination proceeding.
3. Claims 45,46,58,59 and 69-75 are patentable and/or confirmed.
4. Claims 1-44,47-57,60-68 and 76-84 are rejected.
5. Claims _____ are objected to.
6. The drawings, filed on _____ are acceptable.
7. The proposed drawing correction, filed on _____ has been (7a) approved (7b) disapproved.
8. Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of the certified copies have
1 been received.
2 not been received.
3 been filed in Application No. _____ .
4 been filed in reexamination Control No. _____ .
5 been received by the International Bureau in PCT application No. _____ .
* See the attached detailed Office action for a list of the certified copies not received.
9. Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11, 453 O.G. 213.
10. Other: _____

H. Nguyen

**HANH NGUYEN
PRIMARY EXAMINER**

cc: Requester (if third party requester)

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 a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2, 5-9, 14, 16, 19-22, 25-27, 29, 30, 35, 38-40, 42, 47-49, 76-79, 81, 83 and 84 are rejected under 35 USC 102(e) as being anticipated by Koohgoli et al. (US Pat. 4,771,448).

In claims 1, 5, 21, 25, 26, 40, 47 and 76, Koohgoli et al. discloses, in fig.3, a method of transmitting data packets from one of a plurality of remote terminal units (a portable unit 16) to a base station (base station 13) comprising the steps of transmitting a data packet from the one unit to the base station during a first time period selected by the unit (portable unit 16 selects a time during which a channel is free to transmit a request message to base station 13; col.7, lines 47-57 & col.11, lines 62-67); The portable unit 16 receives an OFFER message (an ack signal) from the base station 13 during a predetermined Request Time Out (RTO)); see col.8, lines 30 (

Art Unit: 2668

receiving at the one unit from the base station an acknowledgement signal during a second time period occurring only a fixed time delay after the first time period, the second time period being the same for at least some of the units. Koohgoli et al. further discloses the data packet including ID of the terminal (claim 40, the request message has ID of portable unit 16; see col.7, lines 60-62); the acknowledgement signal including ID of the terminal (claim 40; the OFFER message contains IDs of terminal 16 and base station 13; see col.8, lines 20-23); and if the acknowledge signal is not received, then sending a distress packet from the remote terminal (claim 76; see fig.3, if the OFFER message fails to reach the portable unit 16, the portable unit 16 sends another request; see col.8, lines 32-37). In addition, each base station receiving the distress packet, sends quality of reception of the distress packet to other base stations(claim 76; each base station 13 receives the requests, checks to ensure whether the request message was received properly; see col.8, lines 1-4).

In claims 2, 22, 42 and 81, Koohgoli et al. discloses the transmitting and receiving steps are by RF signals (fig.2 shows a wireless radio signaling channel and wireless control channel; therefore, the transmitting and receiving steps are performed by RF signals).

In claim 6, the limitation of this claim has been addressed in claim 1.

In claims 7 and 27, Koohgoli et al. discloses the remote stations are hand-held data gathering units which include manual control elements (each remote unit 16 is capable of receiving/transmitting voice/ data and processing power to interpret messages on radio signaling channels and take appropriate actions, see col.6, lines 30-40).

In claims 16 and 35, Koohgoli et al. discloses the unit, prior to the transmitting, receiving the data packet to detect transmission by other like units (portable unit 16 senses the activity of uplink channel to determine if the uplink channel is free to transmit; see col.7, lines 52-57).

In claim 14, Koohgoli et al. discloses the acknowledgement signal is transmitted by a second station (see fig.3, base station sends an OFFER message to portable unit 16) which is one of a plurality of said second stations physically spaced from one another (the base station 13 as shown in fig.1, is one of plurality of other base stations 13 located in separate cells 12; see col.5, line 50 to col.6, line 30), and there are a plurality of units for each of the second station (there are many portable units 16 in each cell 12 in which the base station 16 is located).

In claims 8, 19, 29 and 38, Koohgoli et al. discloses the remote unit including bar-code reading devices (portable unit 16 is capable of scanning all downlink radio channels). See col.6, lines 30-34.

In claim 9, the limitations of this claim have been addressed in claim 18.

In claims 20, 30 and 39, Koohgoli et al. discloses the remote unit including keyboard inputs and visual display (portable unit 16 are telephone units or data modem; see col.2, lines 65; which are used in cellular network. Therefore, they have keyboard inputs and visual display).

In claims 48, 49 and 79, Koohgoli et al. discloses the terminal is responsive to the transmission from base station only during the time window (portable unit 16 receives a valid OFFER message during the time out period RTO from base station, then sends an ACK message on the uplink channel to base station 13; see col.8, lines 40-45 and 60-65).

In claims 83 and 84, the limitations of these claims have been addressed in claim 76.

In claim 77, Koohgoli et al. discloses sending a packet to the remote terminal from the designated base station to acknowledge the distress signal (base station 13 sends an OFFER message to the portable terminal 16 after receiving a second request signal from the same portable unit 16; see col.8, lines 32-40).

In claim 78, Koohgoli et al. discloses the packet is sent to the remote terminal after a predetermined time period has elapsed since sending the distress signal (if all the OFFERs messages fail to reach portable unit 16, the portable unit 16 times out and sends another request which is acknowledged by the base station during the time out period; col.8, lines 33-45).

Claim Rejections - 35 USC § 103

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.

Claims 3, 4, 10, 23, 24, 31, 32 and 43 are rejected under 35 USC 103(a) as being unpatentable over Koohgoli et al..

In claims 3, 4, 23, 24, 31 and 43, Koohgoli et al.. does not disclose the RF signals is of spread spectrum direct sequence. Using RF signals in spread spectrum direct sequence is well-known in the art because each remote unit is assigned a PN code which prevent interferences between different remote units. Therefore, it would have been obvious to use RF signals in spread spectrum direct sequence in cellular system of Koohgoli et al. in order to prevent co-channel interferences.

In claim 32, the limitation of this claim has been addressed in claim 14.

Claims 10-13, 15, 17, 18, 28, 33, 34, 36, 37, 50-54, 56, 57, 60-63, 65-67, 68, 80 and 82 are rejected under 35 USC 103(a) as being unpatentable over Koohgoli et al. in view of Carlman, Jr. et al. (US pat. 4,777,488).

In claims 15, 17, 36, 80 and 82, Koohgoli et al. does not disclose each unit is identified by a unique code, transmitted data packet includes the unique code, and the acknowledge signal also include the unique code. Carlman, Jr. et al. discloses a table unit having a transceiver. The transceiver transmits a coded signal identifying a request to a server unit (transmitted data packet includes the unique code); The transceiver receives an acknowledgement code from the server unit (the acknowledge signal also include the unique code). See Abstract and col.1, lines 55-62. Therefore, it would have been obvious to reconfigure the Ids in the request message, Offer (ACK) message of Koohgoli et al. with codes in order to protect security of the messages and to ensure that only the remote unit to which the offer message is transmitted is able to decode the offered message.

In claim 10, the limitations of this claim has been addressed in claim 15.

In claim 11, Koohgoli et al. does not disclose the transmit packet and acknowledge signal are RF signals of direct sequence spread spectrum type. Using RF signals in spread spectrum direct sequence is well-known in the art because each remote unit is assigned a PN code which prevent interferences between different remote units. Therefore, it would have been obvious to use RF signals in spread spectrum direct sequence in cellular system of Koohgoli et al. in order to prevent co-channel interferences.

In claims 12, 13 and 33, Koohgoli et al. discloses the acknowledge signal is transmitted by a second station which is one of a plurality of like second stations (base station 13, like other base stations 13, transmits an OFFER message to portable unit 16; see col.8, lines 15-20); and each one of the second stations is coupled for communication to a central computer (In cellular system as shown in fig. 1, each base station 13 is coupled to a switch 11 via land link 14; see col.7, lines 1-7).

In claims 18, 28 and 37, Koohgoli et al. does not disclose each unit includes a processor executing instructions stored in a memory, and the acknowledgement signal is first loaded to the memory and then decoded. Carlman, Jr. et al. discloses, in fig.3, a remote unit that includes a microprocessor 24 storing programs in ROM 26; col.5, lines 35-40 (a processor executing instructions stored in a memory). Therefore, it would have been obvious to one ordinary skilled in the art to have in the portable unit 16 of Koohgoli et al. a microprocessor and a memory to execute programs stored in the memory. The motivation is to perform programmed steps of transmitting packet, determining whether the transmitted packet has been acknowledged via an ACK message transmitted from the base station.

In claim 34, the limitation of this claim has been addressed in claim 36.

In claims 50 and 60, as indicated by Koohgoli et al. and Carlmen, Jr. et al.in the rejection of claims 1, 28; most of the limitations have been addressed; except that the base station encodes the data to be transmitted and the terminal unit decodes the received data. However, the Carlmen et al. discloses, in fig.4, a server comprising a transceiver 41 (base station including a transmitter and receiver); decoders 46, 48 (decoding RF signals); see col.6, lines 30-55. In addition, fig.3 discloses a remote unit comprising a transceiver 21 (RF transmitter/receiver); a memory 26 (a

Art Unit: 2668

memory for storing data); and a microprocessor 24 (a processor). See col.4, lines 13-25. The remote unit is activate for detecting acknowledge signal (remote terminal includes switches S1-S4 which are actuated and power is applied momentarily; see col.5, lines 15-20). Therefore, it would have been obvious to configure the structure of base station and remote terminal of Koohgoli et al. as described in Carlmen so that the request and the acknowledge signals are received correctly.

In claims 51 and 61, the limitations of these claims have been addressed in claims 7 and 8.

In claims 52 and 62, the limitations of these claims have been addressed in claims 3, 4 and 43.

In claim 53, the limitation of this claim has been addressed in claim 13.

In claims 56 and 63, the limitations of these claims have been addressed in claims 50 and 60.

In claim 54, the limitation of this claim has been addressed in claim 1.

In claim 57, the limitation of this claim has been addressed in claim 1.

In claim 66, the limitation of this claim has been addressed in claim 60.

In claim 65, the limitation of this claim has been addressed in claim 60.

In claim 67, the limitation of this claim has been addressed in claims 16 and 35.

In claim 68, the limitation of this claim has been addressed in claim 60.

Claims 55 and 64 are rejected under 35 USC 103(a) as being unpatentable over Koohgoli et al. in view of Carlman, Jr. et al. (US pat. 4,777,488), and further in view of Malcolm et al. (US pat. 4,332,027).

In claims 55 and 64, Koohgoli et al. and Carlman, Jr. et al. do not disclose the encoded RF signal including a header containing a synchronizing signals followed by a block of data signals. Malcolm et al. discloses, in fig.2, a fixed size packet containing syn code followed by a destination address (a header). The destination address is followed by a data field. See col.3, lines 5-15. Therefore, it would have been obvious to have synchronizing signal in the RF signal of Koohgoli et al. so that the request and ACK signals are transmitted and received at a desired time.

Claim 44 is rejected under 35 USC 103(a) as being unpatentable over Koohgoli et al. in view of Shiff (US pat. 4,587,661).

In claim 44, Koohgoli et al. does not disclose spread spectrum technique employs a sequence of frequency shifts between two frequencies. Shiff discloses a spread spectrum transmission between an earth station and satellite such as indicated in fig.4, a change in frequency occurs in response to a change of clock pulse rate; see col.7, lines 8-20 (a sequence of frequency shifts between two frequencies). Therefore, it would have been obvious use the frequency shift of Shiff into the Koohgoli et al. in order to provide synchronization at portable unit 16.

Patentable Subject Matter

Claims 45, 46, 58, 59 and 69-75 are patentable over the prior art.

The following is a statement of reasons for the indication of patentable subject matter:

In claim 45, the prior art fails to disclose expanding a multi-byte packet to create an expanded packet, then produce in the memory an exclusive-OR of the expanded packet and a fixed PN sequence of bits.

In claim 58, the prior art fails to disclose the number of errors are transmitted to other base stations to specify the unique codes of the remote units.

In claim 69, the prior art fails to disclose the base station that decodes packet by loading detected data corresponding to the signal serially into a register and decoding bits of the register in parallel.

In claim 70, the prior art fails to disclose comparing each data string with a binary code corresponding to that (a binary code) used for generating a chipping sequence of the RF signal .

Any comments considered necessary by applicant must be submitted promptly.

Conclusion

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

Davis et al. (US Pat. 4,612,637) ;

Oda et al. (US pat. 4,479,261).

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extension of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Friday from 8:30 to 4:30. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan, can be reached on 571 272 3043. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

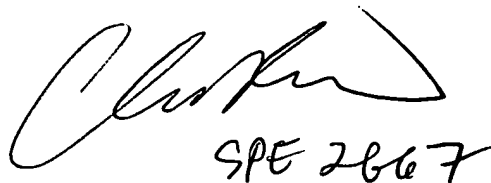


Hanh Nguyen

Primary Examiner

**HANH NGUYEN
PRIMARY EXAMINER**

Conferees



SPE 2667



**BRIAN NGUYEN
PRIMARY EXAMINER**

U.S. Department of Commerce, Patent and Trademark Office				Atty. Docket No.		Re-Exam Con No.:	
				M-16056-RE US		Unassigned	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Applicant(s)			
(Use several sheets if necessary)				LaRoy Tymes			
				Re-Exam Date:		Group 2668	
				July 6, 2005		Unassigned	
U.S. Patent Documents							
*Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
AN	AA	4,479,261	23 Oct. 1984	Oda et al.			
AN	AB	4,720,710	19 Jan. 1988	Akahori et al.			
AN	AC	4,777,488	11 Oct. 1988	Carlman, Jr. et al.			
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)							
AN	AL	Memorandum Order; Symbol Technologies, Inc. v Proxim Incorporated; C.A. No. 01-801-SLR; pages 1-7.					
AN	AM	Binder et al. "ALOHA Packet Broadcasting: A Retrospect" AFIPS National Computer Conference Proceedings Volume 44 (May 19-22, 1975), pages 203-215.					
AN	AN	Fralick et al. "Digital Terminals for Packet Broadcasting" AFIPS National Computer Conference (NCC) Proceedings Volume 44 (May 19-22, 1975), pages 253-262.					
AN	AO	Kleinrock et al. "Packet Switching in Radio Channels: Part I - Carrier Sense Multiple-Access Modes and Their Throughput-Delay Characteristics," IEEE Transactions on Communications, Volume 23, No. 12, December 1975, pages 1400-1416.					
	AP						
Examiner <i>AN</i>				Date Considered 1/26/05			
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with your communication to applicant.							

Notice of References Cited	Application/Control No. 90/007,617	Applicant(s)/Patent Under Reexamination 5029183	
	Examiner Hanh Nguyen	Art Unit 2668	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-4,612,637	09-1986	Davis et al.	370/348
*	B	US-4,479,261	10-1984	Oda et al.	455/343.3
*	C	US-4,777,488	10-1988	Carlman et al.	340/825.72
*	D	US-4,587,661	05-1986	Schiff, Leonard N.	375/141
*	E	US-4,771,448	09-1988	Koohgoli et al.	455/450
*	F	US-4,332,027	05-1982	Malcolm et al.	370/448
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
90/007,617	07/06/2005	5029183	M-16056-REUS	7501

26111 7590 04/04/2006

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)	
	90/007,617	5029183	
	Examiner	Art Unit	
	Hanh Nguyen	2616	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Hanh Nguyen. (3) Robert Sokohl.
(2) _____. (4) Lori Gordon.

Date of Interview: 04 April 2006.

Type: a) Telephonic b) Video Conference
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.
If Yes, brief description: Memorandum order.

Claim(s) discussed: 1.

Identification of prior art discussed: None.


Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant explained the constructions of base station and the remote unit as defined in the prosecution history, specification and by the district court.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

HANH NGUYEN
PRIMARY EXAMINER


Examiner's signature, if required

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

3992

Re-exam.

**Sterne Kessler
Goldstein Fox**
ATTORNEYS AT LAW



Robert Greene Sterne
Jorge A. Goldstein
David K.S. Comwell
Robert W. Esmond
Tracy-Gene G. Durkin
Michele A. Cimbala
Michael B. Ray
Robert E. Sokohl
Eric K. Steffe
Michael Q. Lee
Steven R. Ludwig
John M. Covert
Linda E. Homer
Robert C. Millonig
Donald J. Featherstone
Timothy J. Shea, Jr
Michael V. Messinger
Judith U. Kim

Patrick E. Garrett
Jeffrey T. Helvey
Heidi L. Kraus
Eldora L. Ellison
Thomas C. Fiala
Donald R. Banowitz
Peter A. Jackman
Jeffrey S. Weaver
Brian J. Del Buono
Edward Yee
Vincent L. Capuano
Virgil Lee Beaton
Theodore A. Wood
Elizabeth J. Haanes
Joseph S. Ostroff
Frank R. Cottingham
Rae Lynn P. Guest
Daniel A. Klein

Jason D. Eisenberg
Michael D. Specht
Tracy L. Muller
Jon E. Wright
LuAnne M. DeSantis
Ann E. Summerfield
Helene C. Carlson
Cynthia M. Bouchez
Timothy A. Doyle
Gaby L. Longworth
Lori A. Gordon
Ted J. Ebersole
Laura A. Vogel
Bryan S. Wade
Bashir M.S. Ali
Shannon A. Carroll
Matthew E. Kelley
Michelle K. Holoubek*

Marsha A. Rose*
W. Blake Coblenz*
James J. Pohl*
John T. Haran*
Mark W. Rygiel

Registered Patent Agents*
Karen R. Markowicz
Matthew J. Dowd
Katrina Yujian Pei Quach
Robert A. Schwartzman
Teresa A. Colella
Victoria S. Rutherford
Simon J. Elliott
Julie A. Heider
Mita Mukherjee
Scott M. Woodhouse

Christopher J. Walsh
Liliana Di Noia-Baron
Peter A. Socarras
Jeffrey K. Mills
Danielle L. Letting
Lori Brandes

Of Counsel
Edward J. Kessler
Kenneth C. Bass III
Marvin C. Guthrie

*Admitted only in Maryland
*Admitted only in Virginia
*Practice Limited to
Federal Agencies

April 14, 2006

WRITER'S DIRECT NUMBER:
(202) 772-8677
INTERNET ADDRESS:
RSOKOHL@SKGF.COM

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 2616

Attn: Mail Stop Ex Parte Reexam

Re: Reexamination of U.S. Patent No. 5,029,183
Application No. 90/007,617; Filed: July 6, 2005
For: **Packet Data Communication Network**
Inventor: L. Tymes
Our Ref: 2319.065REX0

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Reply to Office Action in Ex Parte Reexamination and Statement of Substance of Interview Under 37 C.F.R. §1.560;
2. Certification of Service on Third Party Requestor of Reply to Office Action;
3. Information Disclosure Statement;
4. Certification of Service on Third Party Requestor of Information Disclosure Statement;
5. A Listing of the Cited Documents on Form PTO/SB/08A (1 page);
6. A Listing of the Cited Documents on Form PTO/SB/08B (3 pages);
7. Copies of the Cited Documents (FP1 - FP3) and (NPL1 - NPL25); and
8. One (1) Return postcard.

Commissioner for Patents

April 14, 2006

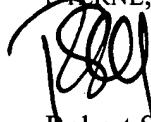
Page 2

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert Sokohl
Attorney for Applicant
Registration No. 36,013

RES/LAG:smn
Enclosures

521070_1.DOC

Patent Under Reexamination: 5,029,183
Reexamination Control No.: 90/007,617
Examiner: Hanh Nguyen
Art Unit: 2616

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CERTIFICATION OF SERVICE OF REPLY TO OFFICE ACTION

In compliance with 37 C.F.R. § 1.550(f), the undersigned, on behalf of the patent owner, hereby certifies that a copy of this paper has been served on the third-party requester by first class mail on April 14, 2006. The name and address of the party served is as follows:

Edward C. Kwok
Macpherson, Kwok, Chen, & Heid LLP
1762 Technology Drive Suite 226
San Jose, CA 95121

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert E. Sokohl
Attorney for Patent Owner
Registration No. 36,013

Date: 4/14/06

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re reexam of: U.S. Patent 5,029,183
(Tymes)

Reexam Control No.: 90/007,617

Filed: July 6, 2005

For: **Packet Data Communication
Network**

Confirmation No.: 7501

Art Unit: 2616

Examiner: Hanh Nguyen

Atty.Docket: 2319.065REX0

**Reply to Office Action in *Ex Parte* Reexamination and
Statement of Substance of Interview Under 37 C.F.R. § 1.560**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action in *Ex Parte* Reexamination dated February 14, 2006, the Patent Owner submits the following Listing of Claims and Remarks.

In compliance with 37 C.F.R. § 1.560, Applicants submit the following Statement of Substance of Interview conducted on April 4, 2006 between Examiner Hanh Nguyen and Patent Owner's representatives, Robert E. Sokohl and Lori A. Gordon.

It is not believed that extensions of time or other fees are required. However, if any fees are necessary to prevent abandonment of this application, then such fees are hereby petitioned and hereby authorized to be charged to our Deposit Account No. 19-0036.

Listing of the Patent Claims

A listing of the status of each claim under reexamination is provided below.

1. (original patent claim) A method of transmitting data packets from one of a plurality of remote terminal units to a base station, comprising the steps of:

(a) transmitting a data packet from said one unit to said base station during a first time period selected by the unit;

(b) receiving at said one unit from said base station an acknowledge signal during a second time period occurring only a fixed time delay after said first time period, said second time period being the same for at least some of said units.

2. (original patent claim) A method according to claim 1 wherein said step of transmitting is by an RF signal, and said step of receiving includes receiving an RF signal.

3. (original patent claim) A method according to claim 2 wherein said RF signal is of the spread spectrum type.

4. (original patent claim) A method according to claim 3 wherein said spread spectrum RF signal is of the direct sequence type.

5. (original patent claim) A method according to claim 1 wherein said transmitted data packet and said acknowledge signal each include identification of said remote terminal unit.

6. (original patent claim) A method according to claim 5 wherein said unit is one of a plurality of remote stations associated with the transmitter of said acknowledge signal.

7. (original patent claim) A method according to claim 6 wherein said remote stations are hand-held data-gathering units which include manual control elements.

8. (original patent claim) A method according to claim 6 wherein at least some of said remote stations include bar-code reading devices.

9. (original patent claim) A method according to claim 1 wherein said stations each include a processor executing instructions stored in a memory and said data packet and said acknowledge signal are both also stored in said memory in binary format.

10. (original patent claim) A method according to claim 9 wherein said data packet is encoded by said processor executing instructions, and said acknowledge signal is decoded by said processor executing instructions.

11. (original patent claim) A method according to claim 10 wherein said transmitted data packet and said acknowledge signal are RF signals of the direct sequence spread spectrum type.

12. (original patent claim) A method according to claim 11 wherein said acknowledge signal is transmitted by a second station which is one of a plurality of like second stations, and each one of said second stations is coupled for communication to a central computer.

13. (original patent claim) A method according to claim 12 including the step of sending data packets to said central computer from said second stations by a serial communications link.

14. (original patent claim) A method according to claim 1 wherein said acknowledge signal is transmitted by a second station which is one of a plurality of said second stations physically spaced from one another, and there are a plurality of said units for each said second station.

15. (original patent claim) A method according to claim 14 wherein each one of said units is identified by a unique code and said transmitted data packet includes said unique code, and said acknowledge signal also includes said unique code.

16. (original patent claim) A method according to claim 1 including the step of receiving at said unit prior to said step of transmitting said data packet to detect transmission by other like units.

17. (original patent claim) A method according to claim 16 wherein there are a plurality of said units, each identified by a unique code transmitted with said data packet and with said acknowledge signal.

18. (original patent claim) A method according to claim 17 wherein said units each include a processor executing instructions stored in a memory, and said acknowledge signal is first loaded to said memory and then decoded.

19. (original patent claim) A method according to claim 18 wherein at least some of said units include hand-held bar-code scanners or readers.

20. (original patent claim) A method according to claim 19 wherein at least some of said units include keyboard inputs and visual displays scanned by said processor.

21. (original patent claim) A system for transmitting data packets from one of a plurality of first stations to a second station, comprising:

(a) a transmitter in said one first station for transmitting a data packet from said one first station to the second station during a first time period selected by said one first station;

(b) a receiver in said one first station for receiving an acknowledge signal from the second station during a second time period occurring only in a time window referenced to said first time period by a fixed delay, said fixed delay being the same for all said plurality of first stations.

22. (original patent claim) A system according to claim 21 wherein said transmitted data packet is sent by an RF signal, and said acknowledge signal is an RF signal.

23. (original patent claim) A system according to claim 22 wherein said RF signal is of the spread spectrum type.

24. (original patent claim) A system according to claim 23 wherein said spread spectrum RF signal is of the direct sequence type.

25. (original patent claim) A system according to claim 21 wherein said transmitted data packet includes identification of said first station, and said acknowledge signal includes identification of said first station.

26. (original patent claim) A system according to claim 25 wherein said first station is one of a plurality of remote stations associated with said second station.

27. (original patent claim) A system according to claim 26 wherein said remote stations are hand-held data-gathering units which include manual control elements.

28. (original patent claim) A system according to claim 27 wherein said units each include a processor executing instructions stored in a memory.

29. (original patent claim) A system according to claim 28 wherein at least some of said units include bar-code scanners.

30. (original patent claim) A system according to claim 29 wherein at least some of said units include keyboard inputs and visual displays.

31. (original patent claim) A system according to claim 30 wherein said transmitted data packet and said acknowledge signal are RF signals of the direct sequence spread spectrum type.

32. (original patent claim) A system according to claim 31 wherein there are a plurality of said second stations, and a plurality of said first stations for each said second station.

33. (original patent claim) A system according to claim 32 wherein all of said plurality of second stations are coupled to a host station by a communication link.

34. (original patent claim) A system according to claim 33 wherein each of said second stations includes a decoder for decoding the data packet sent by a first station to produce digital data to send to said host station.

35. (original patent claim) A system according to claim 21 wherein the transmitter at said first station receives prior to transmitting said data packet to detect transmission by other stations.

36. (original patent claim) A system according to claim 35 wherein there are a plurality of said first stations, each identified by a unique code transmitted with said data packet and with said acknowledge signal.

37. (original patent claim) A system according to claim 36 wherein said first stations each include a processor executing instructions stored in a memory, and said acknowledge signal is first loaded to said memory and then decoded.

38. (original patent claim) A system according to claim 37 wherein at least some of said first stations include hand-held bar-code scanners.

39. (original patent claim) A system according to claim 38 wherein at least some of said units include keyboard inputs and visual displays scanned by said processor.

40. (original patent claim) A method of data transmission between a plurality of terminals and a base station, comprising the steps of:

(a) transmitting a data packet from one of said terminals to said base station at a time selected by said one of said terminals, the data packet including identification of said one of the terminals; transmitting an acknowledgement from the base station to said one of said terminals in a predetermined time window, at least part of said predetermined time window being the same for all of said terminals, said acknowledgement including identification of said terminal;

(c) receiving said acknowledgement at said one terminal during said predetermined time window.

41. (original patent claim) A method according to claim 40 including the step of first receiving at said one terminal to detect transmission by another of said plurality of terminals, before transmitting said data packet.

42. (original patent claim) A method according to claim 40 wherein said transmitting is by wireless RF.

43. (original patent claim) A method according to claim 42 wherein said RF is modulated by the spread spectrum technique.

44. (original patent claim) A method according to claim 43 wherein said spread spectrum technique employs a sequence of frequency shifts between two frequencies.

45. (original patent claim) A method according to claim 44 including the steps of forming said data packet in a memory by expanding a multi-byte packet to create an expanded packet then producing in said memory an exclusive-OR of said expanded packet and a fixed pseudorandom sequence of bits.

46. (original patent claim) A method according to claim 45 wherein said multi-byte packet includes the results of reading a bar code symbol.

47. (original patent claim) A method according to claim 40 wherein said acknowledgement includes data to be transferred from said base station to said one terminal.

48. (original patent claim) A method according to claim 40 wherein said one terminal is responsive to transmission from said base station only during said time window.

49. (original patent claim) A method according to claim 48 wherein said time window has a starting point occurring a fixed time from the beginning of said transmitted data packet.

50. (original patent claim) A data communication system comprising:

(a) a host computer including a data communication input/output port;

(b) a plurality of base stations; each base station having a data communication input/output port; said data communication input/output ports of the host computer and at

least one of said base stations being connected by a data communications link; each of the base stations having an RF transmitter/receiver responsive to received encoded RF signal packets and transmitting RF acknowledge signal packets; each of the base stations producing digital data corresponding to said received encoded RF signal packets, and storing said digital data for transferring to said host computer via said data communication input/output port and said data communications link;

(c) a plurality of remote units, each remote unit located for sending said encoded RF signal packets to one of said base stations at a time selected by the remote unit and receiving said RF acknowledge signal packets from one of said base stations in a fixed time window, each of the remote units having:

(i) a memory for storing data from a local data source, and a processor for transferring data to and from the memory;

(ii) an RF transmitter/receiver having a modulator for modulating an outgoing carrier with data from said memory to produce said encoded RF signal packets, and a detector responsive to RF signals received by said RF transmitter/receiver to detect RF acknowledge signal packets from the base station in said fixed time window.

51. (original patent claim) A system according to claim 50 wherein at least some of said remote units are hand-held bar code readers and said local data source of each such remote unit produces decoded bar code data for loading to said memory under control of said processor.

52. (original patent claim) A system according to claim 50 wherein said RF signals are spread spectrum modulated signals of the direct sequence type.

53. (original patent claim) A system according to claim 50 wherein said communication link is a serial data link by which data packets are sent from base station to host computer or base station to base station, or sent from host computer to base station.

54. (original patent claim) A system according to claim 50 wherein said base stations receive said encoded RF signal packets only from a predetermined subset of said plurality of said remote units.

55. (original patent claim) A system according to claim 54 wherein said encoded RF signals include a header containing synchronizing signals followed by a block of data signals.

56. (original patent claim) A system according to claim 50 wherein each one of said remote units is identified by a unique identifying code contained in said encoded RF signals transmitted by the remote unit, and wherein said base stations are responsive to said unique identifying code to allow only one of the base stations to send said RF acknowledge signals to each separate remote unit.

57. (original patent claim) A system according to claim 56 wherein each one of said base stations is responsive to all of the encoded RF signals from all of the remote units within range, and detects the number of errors occurring in reception from each one of the remote units in said encoded RF signals.

58. (original patent claim) A system according to claim 57 wherein a representation of said number of errors is transmitted to other of said base stations via said communication link to specify the unique codes of remote units each base station is to be responsive to by

sending said RF acknowledge signals, said information being derived from said representation of number of errors.

59. (original patent claim) A system according to claim 58 wherein at least some of said remote units are hand-held bar code readers.

60. (original patent claim) A data communication system comprising:

(a) at least one base station; each base station having an RF transmitter/receiver responsive to encoded RF signal packets and producing RF acknowledge packets; each base station decoding said encoded RF signal packets received by said RF transmitter/receiver and producing digital data corresponding thereto;

(b) a plurality of remote units each located for sending said encoded RF signal packets to at least one of said base stations and receiving said RF acknowledge packets from one of said base stations, each of the remote units having:

(i) a data source, a memory for storing data from the data source, and a processor for transferring data to and from the memory;

(ii) an RF transmitter/receiver producing said encoded RF signal packets containing data from said memory and detecting said RF acknowledge packets from a base station to load data from detected packets to said memory, wherein said RF transmitter/receiver in said remote unit is activated for detecting an RF acknowledge packet only during a fixed time window following transmission of an encoded RF signal packet.

61. (original patent claim) A system according to claim 60 wherein said remote units are hand-held bar code readers or the like and said data source of each remote unit produces decoded bar code data.

62. (original patent claim) A system according to claim 60 wherein said RF signals are spread spectrum modulated signals of the direct sequence type.

63. (original patent claim) A system according to claim 60 wherein each said base station receives said encoded RF signal packets from a plurality of said remote units, and each RF signal packet includes a unique identifying code for a remote unit.

64. (original patent claim) A system according to claim 60 wherein said encoded RF signals include a header containing synchronizing signals followed by a block of data signals.

65. (original patent claim) A system according to claim 64 wherein each one of said remote units is identified by a unique identifying code contained in said header of said encoded RF signal packets transmitted by the remote unit, and wherein each said base station is responsive to said unique identifying code for only predetermined ones of said plurality of remote units.

66. (original patent claim) A system according to claim 60 wherein said RF transmitter/receiver in said remote unit is activated by said processor for detecting said RF acknowledge packet only during a fixed time window following transmission of said encoded RF signal packet.

67. (original patent claim) A system according to claim 66 wherein said RF transmitter/receiver in a remote unit sends said RF signal packet only after receiving to

detect any other RF signal from another remote unit which may be present.

68. (original patent claim) A system according to claim 67 wherein said base station decodes said RF signal packet while said RF signal packet is being received, and said remote unit decodes said RF acknowledge signal after said RF acknowledge signal has been received by accessing said memory via said processor.

69. (original patent claim) A system according to claim 68 wherein said base station decodes said RF signal packet by loading detected data corresponding to the signal serially into a register and decoding bits of said register in parallel.

70. (original patent claim) A method of receiving a direct sequence spread spectrum RF signal having a given chip rate, comprising the steps of:

(a) detecting the RF signal to produce an output correlated with modulation of the RF signal;

(b) sampling said output at a multiple of said chip rate to produce a plurality of separate time-shifted data strings each at said chip rate;

(c) comparing each of said data strings with a binary code corresponding to that used for generating a chipping sequence of said RF signal.

71. (original patent claim) A method according to claim 70 including the step of storing said data strings in memory and wherein said step of comparing is by accessing said memory by a processor after said RF signal has been received.

72. (original patent claim) A method according to claim 70 including the step of loading all of said data strings into a shift register and wherein said step of comparing is by decoding bits of said shift register while said RF signal is being received.

73. (original patent claim) A method according to claim 71 wherein said steps are performed by a remote, hand-held, battery-operated unit.

74. (original patent claim) A method according to claim 73 wherein said RF signal is a packet of known maximum length, and said packet starts with a synchronizing signal.

75. (original patent claim) A method according to claim 74 wherein said steps of detecting, sampling and comparing are performed only in a time window established by an RF transmission from said unit.

76. (original patent claim) A method of operating a packet communications system, comprising the steps of:

(a) sending a data packet from a remote terminal to a base station and waiting to receive an acknowledgement from the base station;

(b) if an acknowledgement is not received, then sending a distress packet from said remote terminal;

(c) receiving said distress packet at a plurality of base stations, and, at each one of said base stations, sending a message to other of said base stations indicating the identity of said remote terminal and the quality of reception of said distress packet;

(d) at a base station, comparing said messages to select one of said base stations to be designated for communication with said remote terminal.

77. (original patent claim) A method according to claim 76 including the step of sending a packet to said remote terminal from said designated base station to acknowledge said distress signal.

78. (original patent claim) A method according to claim 77 wherein said packet is sent to said remote terminal after a predetermined time period has elapsed since said step of sending said distress signal.

79. (original patent claim) A method according to claim 77 wherein said remote terminal is responsive to said packet from said designated base station only during a fixed time window.

80. (original patent claim) A method according to claim 77 wherein said data packet, said distress packet and said acknowledge packet all contain an identifying code for said remote terminal.

81. (original patent claim) A method according to claim 76 wherein said steps of sending are by RF transmission.

82. (original patent claim) A method according to claim 81 wherein said RF transmission employs spread spectrum modulation.

83. (original patent claim) A method according to claim 76 wherein only one of said base stations sends acknowledgement packets to said remote terminal.

84. (original patent claim) A method according to claim 83 wherein there are a plurality of said remote terminals.

Remarks

Claims 1-84 are currently pending in the reexamination proceeding of U.S. Patent No. 5,029,183 ("the '183 patent") with claims 1, 21, 40, 50, 60, 70, and 76 being independent claims. Based on the following remarks, the Patent Owner respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

I. Statement of Substance of Interview

The Patent Owner thanks Examiner Nguyen for the courtesy extended to their representatives, Robert E. Sokohl and Lori A. Gordon, in the interview held on April 4, 2006.

During that interview, the Patent Owner's representatives explained the required construction of the claim term "base station" according to the prosecution history and specification. Patent Owner's representatives further explained that this required construction is in complete agreement with the claim construction by the Honorable Chief Judge Sue L. Robinson in the Symbol Technologies, Inc. v. Proxim, Inc. litigation, Civil Action No. 1:01-cv-00801-SLR (District Court for the District of Delaware, July 30, 2003). Finally, the Patent Owner's representatives explained that the cited art fails to disclose, teach, or suggest a system or method having a power saving mode of operation in which a base station cannot initiate data communications with a remote terminal.

II. Overview of the '183 Patent

As explained in the specification of the '183 patent, a major problem in WLAN protocols prior to 1989 (when the application for the '183 patent was filed) was that they required the remote terminal units be "addressable at any time, i.e., always activated, so the requirements for power are dictated by this feature." ('183 patent, col. 1, lines 48-50). Because remote terminal units are designed to be mobile, they usually do not have an unlimited power source, and therefore, "battery drain ... required either large, heavy batteries, or frequent recharging, or both." ('183 patent, col. 1, lines 30-31)

Recognizing that "prior systems of this type [were] too costly and otherwise unsuitable for the present purposes [i.e., a WLAN as of 1989]," the '183 claims novel systems and methods that minimize power consumption for battery-powered remote terminal units while still providing excellent data throughput. ('183 patent, col. 12, lines 10-15, 22-23; col. 2, lines 41-50). The "ability of the remote unit 15 to schedule events and communicate with the base station at times of its own choosing" is a key feature for minimizing power consumption of a remote terminal unit. In other words, while a base station may operate with a remote unit whose radio is always activated (an active mode of operation), it also has the ability to operate with a remote unit that turns its radio off to minimize power consumption (hereinafter referred to as a power saving mode of operation), wherein all data communications between that power saving remote terminal unit and the base station take place at the initiative of the remote terminal unit; the base station cannot initiate data communications with a remote terminal unit. The remote terminal unit itself

dictates when it will "wake-up" to transmit or receive. (See '183 patent, col. 9, lines 6-8)("the RF transmission and reception is under control of the remote unit rather than being schedule by a higher level device such as the base station or the host computer").

II. Base Station

As discussed by the Federal Circuit in *Phillips v. AWH Corp.*, a patentee can depart from the plain and ordinary meaning of a claim term in two circumstances: (1) when the patentee has acted as his own lexicographer or (2) when the patentee has clearly limited the scope of the invention through a disclaimer in the specification or prosecution history. 415 F.3d 1303, 1316-17 (Fed. Cir. 2005). In this case, both of these circumstances are present.

A. The Specification Of The '183 Patent Clearly, Deliberately, And Precisely Defines A Special Definition For The Term "Base Station"

It is a well-established axiom in patent law that a patentee is free to be his or her own lexicographer, and thus may use terms in a manner contrary to or inconsistent with one or more of their ordinary meanings. *Hormone Research Found., Inc. v. Genentech, Inc.*, 904 F.2d 1558, 1563 (Fed. Cir. 1990). The specification can also act to bind a Patentee to a narrower definition of a term than the extrinsic evidence might support. See *SciMed Life Sys., Inc. v. Advanced Cardiovascular Sys., Inc.*, 242 F.3d 1337, 1341 (Fed. Cir. 2001) ("Where the specification makes clear that the invention does not include a particular feature, that feature is deemed to be outside the reach of the claims of the patent, even though the language of the claims, read without reference to the specification, might be considered broad enough to encompass the feature in question."). When giving a claim term

special definition differing from or inconsistent with its ordinary meaning, the patentee must define the claim term with reasonable clarity, deliberateness, and precision so as to give one of ordinary skill in the art notice of the change. *In re Paulsen*, 30 F. 3d 1475, 1480 (Fed. Cir. 1994).

The specification of the '183 patent clearly, precisely, and deliberately gives the term "base station" a special definition which differs from its ordinary meaning. Consistently throughout the specification, the term base station describes a unit which cannot initiate data communications with a remote terminal unit so the remote terminal unit can minimize power consumption. For example, the specification states:

The base stations 12, 13, and 14 **cannot initiate** an exchange of FIG. 2, or initiate any other such transmission to the remote units 15, but instead **must wait** until a packet 17 is received from the remote unit 15 for which this base station has a message waiting ('183 patent, col. 6, lines 3 - 9)(emphasis added)

This remote unit need not be concerned about receiving any further messages from a base station unit the remote unit is ready. The remote unit 15 manages or schedules its own packet communication operations, instead of being a slave of the host or base stations. ('183 patent, col. 13, lines 25-29)

In this protocol, the central station **cannot initiate** a packet transmission to a remote unit, but instead **must wait** until the remote unit has sent a transmitted packet, then the central station can reply in the rigid time window. ('183 patent, col. 2, line 61 - col. 3, line 2)

Thus, the Patent Owner has acted as their own lexicographer and set out a special definition of the term "base station."

B. The Prosecution History Further Establishes The Special Definition of the Term "Base Station"

It is also a well-settled law that a patentee may establish a special meaning for a claim term by way of statements in the prosecution history. *Vitronics Corp. v. Conceptoronic, Inc.*, 90 F. 3d 1576, 1582 (Fed. Cir. 1996). As stated by the Federal Circuit, the prosecution history can act to inform whether "an inventor limited the invention in the course of prosecution, making the claim scope narrower than it would otherwise be." *Philips*, 415 F. 3d at 1317 (citing *Vitronics*, 90 F. 3d at 1582-83).

In an Information Disclosure Statement filed during prosecution of the '183 patent, the Patent Owner distinguished the claimed invention over four cited references by explaining that the references did not teach a system having a power saving mode of operation in which a base station cannot initiate data communications. Specifically, the Patent Owner stated:

The Sidhu et al patent 4,689,786 shows a local area network of the Ethernet type using collision sense, multiple access techniques ... In contrast, the applicant's system is concerned with battery life, so the remote stations can receive only after they have initiated an exchange; ***a base station cannot initiate a message exchange with a remote station.*** (Supplemental Information Disclosure Statement filed March 26, 1991, p. 2)(emphasis added)

The O'Sullivan patent 4,697,281 discloses a method of transmitting data using a modem and a cellular telephone system ... The cellular transceivers 12 and 18 are not disclosed to be responsive only in the manner applicant claims, however. ***Instead, any cellular transceiver can receive from the central station, and can transmit to the central station, at any time. (Id.)***

The Toyonaga et al patent 4,689,785 discloses a data transmission system in which a number of stations A, B, C are connected by a bus line BL ... The system differs from applicant's in that ***any station can receive at any time, rather than remote stations only receiving after transmitting, and a base station that cannot initiate transmission to a remote.*** (Id.)(emphasis added)

The Malcolm et al patent 4,332,027 discloses a contention-type network using collision detect ... The patent does not disclose a system ***in which a base station cannot send a message to a remote unless it has received a transmitted packet.*** (Id.)(emphasis added).

As described in the specification, limiting initiation of wireless data packet exchange to a remote terminal unit provides important power savings benefits. ('183 patent, col. 2, line 61-col. 3, line 2). In response to an Office Action issued during prosecution of the '183 patent, the Patent Owner distinguished the claimed invention from an applied reference (Waggener) by explaining that the cited reference did not teach a power saving mode of operation:

The remote units need not be receiving and decoding data at all times (as is true in the Waggener reference) but instead can be idle (for power saving purposes) except when they send, then receive in a fixed window (Amendment dated October 16, 1990 at p. 6)

Based on the foregoing statements, the prosecution history of the '183 patent unequivocally establishes the special definition of "base station" set out by the Patent Owner.

C. Conclusion

As clearly, deliberately, and precisely defined by the Patent Owner in the specification and prosecution history, the term "base station" means a unit that transfers data with a remote terminal unit, but which cannot initiate data communications with a remote terminal unit so the remote terminal unit can minimize power consumption.

Furthermore, the claim construction ruling by the Honorable Chief Judge Sue L. Robinson in the Symbol Technologies, Inc. v. Proxim, Inc. litigation is in complete agreement with the special definition of the term "base station" set out by the Patent Owner in the specification and prosecution history. Specifically, Chief Judge Robinson stated:

Consistent with the specification and prosecution history, the term "base station" shall mean "a unit that transfers data between a remote terminal unit and a central computer, but which cannot initiate data communications with a remote terminal unit." Symbol Technologies, Inc. v. Proxim, Inc., Civil Action No. 1:01-cv-00801-SLR, p. 2 (District Court for the District of Delaware, July 30, 2003)(Memorandum Order)(emphasis added)

Chief Judge Robison explicitly held that an accused device that includes a power save mode of operation falls within the scope of the claims. Specifically, Chief Judge Robinson stated:

A system claim is directly infringed if the accused products meet each limitation of the asserted system claims. The question you must answer in connection with the asserted claims is whether the accused products, in their power save mode, meet each limitation of such claims. Symbol Technologies, Inc. v. Proxim, Inc., Civil Action No. 1:01-cv-00801-SLR, pp. 3-4 (District Court for the District of Delaware, July 30, 2003)(Trial Transcript, p. 1208, lines 5-10)(emphasis added)

Accordingly, the Patent Owner's statements herein should not be interpreted to preclude a device having both an active mode of operation (i.e., a base station can initiate data communications with a remote terminal) and a power saving mode of operation (i.e., a base station cannot initiate data communications with a remote terminal) from falling within the scope of the claims.

Note that although the claim construction by Chief Judge Robinson includes the term "central computer," Chief Judge Robinson stated at trial:

Anyway, I did want to note with respect to the central computer, as I thought about it, you never know how claim construction is going to play out in the trial, to tell you the truth. And as I thought about it after I had made my decision and gave -- it was being copied and everything else -- I thought that probably the more legally correct answer to the question, I went through all the claims and, obviously, there is not mention of a host computer and central computer in any of the claims, that I should have taken it out of the construction for base station but, because of the way this played out, I added a claim construction of a term that is not in any of the claims. (Trial Transcript, p. 1092)

Thus, a "central computer" is not a necessary component of the definition for "base station."

III. Second Station

Independent claim 21 uses the term "second station." Independent claim 21 recites a system "for transmitting data packets from one of a plurality of first stations to a second station" comprising "a transmitter in said one first station for transmitting a data packet from said one first station to the second station" and "a receiver in said one first station for receiving an acknowledge signal from the second station."

It is clear from the language of claim 21 and the specification that the term "second station" means a "base station." The claim construction ruling by the Honorable Chief Judge Sue L. Robinson in the Symbol Technologies, Inc. v. Proxim, Inc. litigation is also in agreement with this definition. Symbol Technologies, Inc. v. Proxim, Inc., Civil Action No. 1:01-cv-00801-SLR (District Court for the District of Delaware, July 30, 2003)(Memorandum Order)("Consistent with the specification and claim language, the term 'second station' shall mean a 'base station' as defined above")

IV. Claim Rejections

In the Office Action, the Examiner rejected the claims, as described below, by applying Koohgoli, *et al.*, U.S. Patent 4,771,448 (Koohgoli) alone or in combination with Carlman, Jr., *et al.*, U.S. Patent No. 4,777,488 (Carlman), Carlman and Malcolm, *et al.*, U.S. Patent No. 4,332,027 (Malcolm), and Shiff, U.S. Patent No. 4,587,661 (Shiff).

The Patent Owner notes that the Koohgoli, Carlman, Malcolm, and Shiff references cited in the Office Action are merely cumulative to the references cited and applied by the Examiner during prosecution of the '183 patent. Specifically, in the Office Action dated October 11, 1990, the Examiner applied U.S. Patent No. 4,829,540 to Waggener, *et al.* (Waggener) and U.S. Patent No. 4,247,908 to Lockhart, Jr., *et al.* (Lockhart). In the reply to the October 11, 1990 Office Action, Applicants distinguished the claimed invention by explaining that neither the Waggener nor Lockhart references taught or suggested a system having a power saving mode of operation. Similarly, as explained below, the Koohgoli, Carlman, Malcolm, and Shiff references applied in the present office action do not teach or

suggest a power saving mode of operation in which the base station cannot initiate data communications with a remote terminal unit. Thus, the applied Koohgoli, Carlman, Malcolm, and Shiff references are merely cumulative to the references applied during prosecution of the '183 patent. The claims therefore remain patentable for the same reasons put forth in the original prosecution of the '183 patent.

A. Rejection Under §102(e) Over Koohgoli, et al.

In the Office Action, claims 1, 2, 5-9, 14, 16, 19-22, 25-27, 29, 30, 35, 38-40, 42, 47-49, 76-79, 81, 83 and 84 were rejected under 35 U.S.C. § 102(e) as being anticipated by Koohgoli, *et al.*, U.S. Patent 4,771,448 (Koohgoli). The Patent Owner respectfully traverses this rejection.

For a prior art reference to anticipate the claimed invention, it must disclose each and every element as set forth in the claim. *See Finnigan Corp. v. United States Int'l Trade Comm'n*, 180 F.3d 1354, 1365-66 (Fed. Cir. 1999). The requirement of strict identity between the claim and the prior art reference, is not met if a single element or limitation required by the claim is missing from the prior art source. *See, Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716 (Fed. Cir. 1984).

Koohgoli does not teach or even suggest a system or method having a power saving mode of operation in which a base station cannot initiate data communications with a remote terminal as is required by the recitation of base station in independent claims 1, 40, and 76 and the recitation of second station in independent claim 21.

For at least these reasons, independent Original Patent Claims 1, 21, 40, and 76 are patentable over Koohgoli. Claims 2, 5-9, 14, 16, 19, and 20 depend from claim 1. Claims 22, 25-27, 29, 30, 35, 38, and 39 depend from claim 21. Claims 42 and 47-49 depend from claim 40 and claims 77-79, 81, 83, and 84 depend from claim 76. For at least these reasons and further in view of their own features, dependent claims 2, 5-9, 14, 16, 19, 20, 22, 25-27, 29, 30, 35, 38, 39, 42, 47-49, 77-79, 81, 83, and 84 are patentable over Koohgoli.

B. Rejection Under §103 Over Koohgoli in view of Carlman, Jr, et al

In the Office Action, claims 10-13, 15, 17, 18, 28, 33, 34, 36, 37, 50-54, 56, 57, 60-63, 65-67, 68, 80, and 82 were rejected under 35 U.S.C. § 103 as being unpatentable over Koohgoli in view of Carlman, Jr., *et al*, U.S. Patent No. 4,777,488 (Carlman). The Patent Owner respectfully traverses this rejection.

To establish a *prima facie* case of obviousness, three criteria must be met. First, some motivation or suggestion must exist in the reference or in the knowledge generally available to one of ordinary skill in the art to modify the reference. *In re Vaeck*, 947 F.2d 488, 493 (Fed. Cir. 1991). Second, the reference must reveal a reasonable expectation of success. *Id.* Finally, the reference must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981 (CCPA 1974).

The combination of Koohgoli and Carlman does not teach or suggest teach and every element of independent claims 50 and 60. Independent claims 50 and 60 are distinguished from Koohgoli for the reasons set forth above. Carlman adds nothing to Koohgoli to overcome the deficiencies of Koohgoli described above, since like Koohgoli, Carlman does

not teach or even suggest a system or method having a power saving mode of operation in which a base station cannot initiate data communications with a remote terminal.

For at least these reasons, independent claims 50 and 60 are patentable over the combination of Koohgoli and Carlman. Claims 51-54, 56 and 57 are dependent from independent claim 50 and claims 61-63 and 65-68 are dependent from independent claim 60. For at least these reasons and further in view of their own features, dependent claims 51-54, 56, 57, 61-63, and 65-68 are patentable over the combination of Koohgoli and Carlman.

Claims 10-13, 15, 17, and 18 depend from independent claim 1, claims 28, 33, 34, 36, and 37 depend from independent claim 21, and claims 80 and 82 depend from claim 76. As discussed above, Carlman adds nothing to Koohgoli that overcomes the deficiencies of Koohgoli relative to claims 1, 21, and 76. For at least the foregoing reasons, and further in view of their own features, claims 10-13, 15, 17, 18, 28, 33, 34, 36, 37, 80 and 82 are patentable over the combination of Koohgoli and Carlman.

C. Rejection Under §103 Over Koohgoli

In the Office Action, claims 3, 4, 10, 23, 24, 31, 32, and 43 were rejected under 35 U.S.C. § 103 as being unpatentable over Koohgoli. The Patent Owner respectfully traverse this rejection.

Claims 3, 4, and 10 depend from independent claim 1. Claims 23, 24, 31, and 32 depend from independent claim 21 and claim 43 depends from independent claim 40. As discussed above, Koohgoli does not teach or suggest each and every element of independent

Original Patent Claims 1, 21, and 40. For at least these reasons, and further in view of their own features, claims 3, 4, 10, 23, 24, 31, 32, and 43 are patentable over Koohgoli.

D. Rejection Under §103 Over Koohgoli in view of Carlman, Jr, et al and further in view of Malcolm

In the Office Action, claims 55 and 64 were rejected under 35 U.S.C. § 103 as being unpatentable over Koohgoli in view of Carlman and further in view of Malcolm, et al, U.S. Patent No. 4,332,027 (Malcolm). The Patent Owner respectfully traverses this rejection.

Claim 55 depends from claim 50 and claim 64 depends from claim 60. Independent claims 50 and 60 are distinguished from the combination Koohgoli and Carlman for the reasons set forth above. Malcolm adds nothing to the combination of Koohgoli and Carlman to overcome the deficiencies of the combination described above. Like Koohgoli and Carlman, Malcolm does not teach or even suggest a system or method having a power saving mode of operation in which a base station cannot initiate data communications with a remote terminal.

For at least these reasons and further in view of their own features, dependent claims 55 and 64 are patentable over the combination of Koohgoli, Carlman, and Malcolm.

E. Rejection Under §103 Over Koohgoli and Shiff

In the Office Action, claim 44 was rejected under 35 U.S.C. § 103 as being unpatentable over Koohgoli in view of Shiff, U.S. Patent No. 4,587,661 (Shiff). The Patent Owner respectfully traverses this rejection.

Claim 44 depends from claim 40. Independent claim 40 is distinguished from the combination Koohgoli for the reasons set forth above. Shiff adds nothing to Koohgoli to

overcome the deficiencies of Koohgoli described above. Like Koohgoli, Shiff does not teach or even suggest a system or method having a power saving mode of operation in which a base station cannot initiate data communications with a remote terminal.

For at least these reasons and further in view of its own features, dependent claim 44 is patentable over the combination of Koohgoli and Shiff.

E. Other Matters

Applicants note that the Summary of Action indicated that dependent claim 41 was rejected in the Office Action. However, the Office Action did not include a specific rejection for dependent claim 41. Based on the foregoing remarks, Patent Owner submits that dependent claim 41 is patentable over Koohgoli alone or in combination with any of Carlman, Malcolm, or Shiff.

V. Patentable Subject Matter

The Patent Owner acknowledges with appreciation the Examiner's indication that claims 45, 46, 58, 59, and 69-75 are patentable over the prior art.

VI. Related Proceedings

Claims 1, 16, 21, 35, and 40-41 of the '183 patent were the subject of prior litigation in the United States District Court for the District of Delaware, *Symbol Technologies, Inc. v. Proxim, Incorporated*, Civil Action No. 1:01-cv-00801-SLR. The Proxim litigation was settled following a jury verdict finding infringement by Proxim.

The '183 patent is currently asserted in litigation pending in the United States District Court for the District of Delaware, *Symbol Technologies, Inc. v. Intermec Technologies Corporation*, Civil Action No. 1:05-cv-00147-SLR.

The '183 patent was also previously asserted in two additional litigations in United States District Court for the District of Delaware: *Symbol Technologies, Inc. v. Hand Held Products*, Civil Action No. 1:03-cv-00102, filed January 21, 2003 and *Symbol Technologies, Inc. v. YDI Wireless Inc., et al*, Civil Action No. 1:05-cv-00755, filed October 28, 2005. Both litigations ended in settlement.

VII. Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. The Patent Owner therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. The Patent Owner believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present reexamination proceeding is in condition for a Notice of Intent to Issue a Reexamination Certificate. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert Sokohl
Attorney for Patent Owner
Registration No. 36,013

Date: April 14, 2006

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

518978_2.DOC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

L. Tymes

Appl. No.: 90/007,617

Filed: July 6, 2005

For: **Packet Data Communication
Network**

Confirmation No.: 7501

Art Unit: 2616

Examiner: Hanh Nguyen

Atty. Docket: 2319.065REX0

Information Disclosure Statement

Mail Stop Ex Parte Reexam

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Forms PTO-1449 and PTO-SB08 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.555 and 1.98.

Applicant has listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent

application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Copies of documents NPL1-NPL25 and FP1-FP3 are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), no copies of U.S. patents and patent application publications cited on the attached IDS Forms are submitted.

Document FP1 (EP 0075310) appears to describe a telephone exchange with coded signal verification. An English language abstract of document FP1 is enclosed as document NPL23.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this reexamination proceeding that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert Sokohl
Attorney for Applicant
Registration No. 36,013

Date: April 14, 2006

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

520575_1.DOC

Patent Under Reexamination: 5,029,183
Reexamination Control No.: 90/007,617
Examiner: Hanh Nguyen
Art Unit: 2616

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CERTIFICATION OF SERVICE OF INFORMATION DISCLOSURE STATEMENT

In compliance with 37 C.F.R. § 1.550(f), the undersigned, on behalf of the patent owner, hereby certifies that a copy of this paper has been served on the third-party requester by first class mail on April 14, 2006. The name and address of the party served is as follows:

Edward C. Kwok
Macpherson, Kwok, Chen, & Heid LLP
1762 Technology Drive Suite 226
San Jose, CA 95121

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert E. Sokohl
Attorney for Patent Owner
Registration No. 36,013

Date: _____

4/14/06

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known		
				Application Number	90/007,617	
Sheet		1	of	1	Attorney Docket Number	2319.065REX0

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	US1	3,251,034	05/10/1966	GOODE, et al.	
	US2	3,959,589	05/25/1976	von ROESGEN, et al.	
	US3	4,022,973	05/10/1977	STACKHOUSE, et al.	
	US4	4,197,500	04/08/1980	KLEIN, et al.	
	US5	4,418,277	11/29/1983	TREMMEL, et al.	
	US6	4,460,120	07/17/1984	SHEPARD, et al.	
	US7	4,477,809	10/16/1984	BOSE	
	US8	4,661,902	04/28/1987	HOCHSPRUNG, et al.	
	US9	4,673,805	06/16/1987	SHEPARD, et al.	
	US10	4,704,517	11/03/1987	CAMPISI, et al.	
	US11	4,736,095	04/05/1988	SHEPARD, et al.	
	US12	4,758,717	07/19/1988	SHEPARD, et al.	
	US13	4,792,947	12/20/1988	TAKIYASU, et al.	
	US14	4,807,222	02/21/1989	AMITAY	
	US15	4,807,261	02/21/1989	JOHNSON	
	US16	4,857,716	08/15/1989	GOMBRICH, et al.	
	US17	4,910,794	03/20/1990	MAHANY	
	US18	4,928,096	05/22/1990	LEONARDO, et al.	
	US19	4,933,953	06/12/1990	YAGI	
	US20	4,995,053	02/19/1991	SIMPSON, et al.	
	US21	5,006,996	04/09/1991	NAKAMURA, et al.	
	US22	5,010,241	04/23/1991	BUTTERWORTH	
	US23	5,046,066	09/03/1991	MESSENGER	
	US24				
	US25				

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	FP1	EP 0075310	03/30/1983	Ulrich HEYLAND, et al.		
	FP2	EP 0 131 663	01/23/1985	Takashi OKADA, et al.		
	FP3	WO 88/04496	06/16/1988	Allyson REED, et al.		
	FP4					

520794_1.DOC

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	90/007,617
				Filing Date	July 6, 2005
				First Named Inventor	L. Tymes
				Art Unit	2616
				Examiner Name	Hanh Nguyen
Sheet	1	of	3	Attorney Docket Number	2319.065REX0

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published	T ²
	NPL1	Leonard KLEINROCK, et al., "Packet Switching in Radio Channels: Part I - Carrier Sense Multiple-Access Modes and Their Throughput-Delay Characteristics", IEEE Transactions on Communications, Vol. Com-23., No. 12, December 1975, pp. 1400-1416.	
	NPL2	B.S. TSYBAKOV, et al., "Packet Transmission in Radio Networks", Reprinted with permission from Problemy Peredacti Informatsii, vol. 21, no. 1, pp. 80-101, Jan. - March 1985, pp. 330-341.	
	NPL3	Norman ABRAMSON, "The Throughput of Packet Broadcasting Channels", IEEE Transactions on Communication, January 1977, pp. 117-128.	
	NPL4	J.M. WOZENCRAFT, et al., "Coding for Two-Way Channels", Research Laboratory of Electronics and Lincoln Laboratory, Massachusetts Institute of Technology, pp. 11-25.	
	NPL5	Simon S. LAM, et al., "Packet Switching in a Multiaccess Broadcast Channel: Dynamic Control Procedures", Transactions on Communications, Vol. Com - 23, No. 9, September 1975, pp. 891-904.	
	NPL6	Michael J. FERGUSON, "On the Control, Stability, and Waiting Time in a Slotted ALOHA Random-Access System", IEEE Transactions on Communication, November 1975, pp. 1300, 1308 and 1310.	
	NPL7	J.J. SPILKER, Jr. Ph.D., "Digital Communications by Satellite", 1977, pp. 449-450, 452-453 and 468.	
	NPL8	John M. WOZENCRAFT, et al., "Coding For Two-Way Channels", Technical Report 383, January 3, 1961, pp. 1-16.	
	NPL9	Lawrence G. ROBERTS, "Extensions of Packet Communication Technology to a Hand Held Personal Terminal", Spring Joint Computer Conference, 1972, pp. 295-298.	
	NPL10	Mario TOKORO, et al., "Acknowledging Ethernet", pp. 1-6.	
Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	90/007,617
				Filing Date	July 6, 2005
				First Named Inventor	L. Tymes
				Art Unit	2616
				Examiner Name	Hanh Nguyen
Sheet	2	of	3	Attorney Docket Number	2319.065REX0

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume number, publisher, city and/or country where published	T ²
	NPL11	Robert E. KAHN, et al., "Advances in Packet Radio Technology", Proceeding of the IEEE, Volume 66, Number 11, pp. 1468-1496.	
	NPL12	R. BINDER, et al., "ALOHA Packet Broadcasting - A Retrospect", AFIPS Conference Proceedings, 1975 National Computer Conference, May 19 - 22, 1975, pp. 203-215.	
	NPL13	Norman ABRAMSON, "The ALOHA SYSTEM - Another Alternative for Computer Communications", AFIPS Conference Proceedings, Vol. 37, 1970 Fall Joint Computer Conference, Nov. 17 - 19, 1970, pp. 281-285.	
	NPL14	Richard BINDER, et al., "The Alohanet Menehune - Version 11", Sponsored by Advanced Research Projects Agency, ARPA Order No. 1956, September 1974, pp 1-55.	
	NPL15	Andrew S. TANENBAUM "Computer Networks" 2 nd Ed., Ch. 3, 1988, pp., 182-193.	
	NPL16	"Digital Terminals for Packet Broadcasting", AFIPS Conference Proceedings, 1975 National Computer Conference, May 19-22, 1975, pp. 254-261.	
	NPL17	MSI PRT Portable Radio Terminal, 2 pages.	
	NPL18	Norman ABRAMSON, "Packet Switching with Satellites", AFIPS Conference Proceedings, 1973 National Computer Conference and Exposition, Volume 42, June 4-8, 1973, pp. 695-702.	
	NPL19	Leonard KLEINROCK, et al., "Random Access Techniques for Data Transmission Over Packet-Switched Radio Channels", AFIPS Conference Proceedings, 1975 National Computer Conference, May 19-22, 1975, pp. 187-201.	
	NPL20	The Vectran VR1100 System: Your Link to Productivity, 11 pages.	
Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	90/007,617
				Filing Date	July 6, 2005
				First Named Inventor	L. Tymes
				Art Unit	2616
				Examiner Name	Hanh Nguyen
Sheet	3	of	3	Attorney Docket Number	2319.065REX0

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume number, publisher, city and/or country where published	T ²
	NPL21	Memorandum Order, Symbol Technologies, Inc. v. Proxim Incorporated, CA No. 01-801-SLR, July 30, 2003, pp. 1-7.	
	NPL22	Trial Transcript, Volume E, Symbol Technologies, Inc. V. Proxim Incorporated, C.A. No. 01-801-SLR, September 12, 2003, pp. 1055, 1056, 1092, 1208.	
	NPL23	English Abstract of EP0075310A: Circuit Arrangement for Telecommunication Exchanges, Especially Telephone Exchanges, with Devices for Securing the Transmission of Coded Signals.	
	NPL24	J.S.J. DAKA, et al., "A High Performance Broadcast File Transfer Protocol", SIGCOMM '88 Symposium, Communications Architectures & Protocols, 1988, pp. 274-281.	
	NPL25	S. CHOW, et al., "A Spread Spectrum Modem for Reliable Data Transmission in the High Frequency Band", Second Conference on HF Communication Systems and Techniques, February 15-17, 1982, pp. 125-130.	
	NPL26		
	NPL27		
	NPL28		
	NPL29		

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Robert Greene Sterne
 Jorge A. Goldstein
 David K.S. Cormwell
 Robert W. Esmond
 Tracy-Gene G. Durkin
 Michele A. Cimbala
 Michael B. Ray
 Robert E. Sokohl
 Eric K. Steffe
 Michael Q. Lee
 Steven R. Ludwig
 John M. Covert
 Linda E. Horner
 Robert C. Millonig
 Donald J. Featherstone
 Timothy J. Shea, Jr
 Michael V. Messinger
 Judith U. Kim

Patrick E. Garrett
 Jeffrey T. Helvey
 Heidi L. Kraus
 Eldora L. Ellison
 Thomas C. Fiala
 Donald R. Banowitz
 Peter A. Jackman
 Jeffrey S. Weaver
 Brian J. Del Buono
 Vincent L. Capuano
 Virgil Lee Beaton
 Theodore A. Wood
 Elizabeth J. Haanes
 Joseph S. Ostroff
 Frank R. Cottingham
 Rae Lynn P. Guest
 Daniel A. Klein
 Jason D. Eisenberg

Michael D. Specht
 Tracy L. Muller
 Jon E. Wright
 LuAnne M. DeSantis
 Ann E. Summerfield
 Helene C. Carlson
 Cynthia M. Bouchez
 Timothy A. Doyle
 Gaby L. Longsworth
 Lori A. Gordon
 Ted J. Ebersole
 Laura A. Vogel
 Bryan S. Wade
 Bashir M.S. Ali
 Shannon A. Carroll
 Matthew E. Kelley
 Michelle K. Holoubek
 Marsha A. Rose*

W. Blake Coblentz
 James J. Pohl*
 John T. Haran*
 Mark W. Rygiel

Registered Patent Agents*
 Karen R. Markowicz
 Matthew J. Dowd
 Katrina Yujian Pei Quach
 Bryan L. Skelton
 Robert A. Schwartzman
 Teresa A. Colella
 Victoria S. Rutherford
 Simon J. Elliott
 Julie A. Heider
 Mita Mukherjee
 Scott M. Woodhouse
 Christopher J. Walsh

Liliana Di Nola-Baron
 Peter A. Socarras
 Jeffrey Mills
 Danielle L. Letting
 Lori Brandes

Of Counsel
 Edward J. Kessler
 Kenneth C. Bass III
 Marvin C. Guthrie

*Admitted only in Maryland
 *Admitted only in Virginia
 *Practice Limited to
 Federal Agencies

May 22, 2006

WRITER'S DIRECT NUMBER:
 (202) 772-8677
INTERNET ADDRESS:
 RSOKOHL@SKGF.COM

Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

Art Unit 2616

Attn: Mail Stop Ex Parte Reexam

Re: Reexamination of U.S. Patent No. 5,029,183
 Control No. 90/007,617; Filed: July 6, 2005
 For: **Packet Data Communication Network**
 Inventor: L. Tymes
 Our Ref: 2319.065REX0

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Supplemental Information Disclosure Statement;
2. Certification of Service on Third Party Requestor of Supplemental Information Disclosure Statement;
3. A Listing of the Cited Documents on Form PTO/SB/08A (1 page);
4. A Listing of the Cited Document on Form PTO/SB/08B (1 page);
5. Copies of the Cited Documents (FP4 - FP10) and (NPL26-32); and
6. One (1) Return postcard.

100

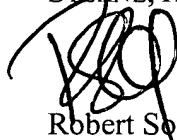
Commissioner for Patents
May 22, 2006
Page 2

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert Sokohl
Attorney for Applicant
Registration No. 36,013

RES/LAG:smn
Enclosures

534392_1.DOC

Patent Under Reexamination: 5,029,183
Reexamination Control No.: 90/007,617
Examiner: Hanh Nguyen
Art Unit: 2616

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

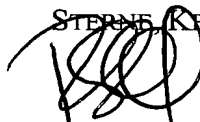
**CERTIFICATION OF SERVICE OF SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT**

In compliance with 37 C.F.R. § 1.550(f), the undersigned, on behalf of the patent owner, hereby certifies that a copy of this paper has been served on the third-party requester by first class mail on May 22, 2006. The name and address of the party served is as follows:

Edward C. Kwok
Macpherson, Kwok, Chen, & Heid LLP
1762 Technology Drive Suite 226
San Jose, CA 95121

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert E. Sokohl
Attorney for Patent Owner
Registration No. 36,013

Date: May 22, 2006

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reexam of U.S. Patent No.: 5,029,183
(TYMES)
Control No.: 90/007,617
Filed: July 6, 2005
For: **Packet Data Communication
Network**

Confirmation No.: 7501
Art Unit: 2616
Examiner: Hanh Nguyen
Atty. Docket: 2319.065REX0

Supplemental Information Disclosure Statement

Mail Stop Ex Parte Reexam

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO/SB08a and PTO/SB08b are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.555 and 1.98.

Applicant has listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent

application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Copies of documents FP4-FP10 and NPL26-NPL32 are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), no copies of U.S. patents and patent application publications cited on the attached IDS Forms are submitted.

Document FP4 (DE 3304451) appears to describe a method and device for the bidirectional transmission of information between a stationary master station and a plurality of mobile outstations. A certified translation of document FP4 is enclosed as document NPL27.

Document FP6 (JP 53-108310) appears to describe an extended spectrum communication system and radio receiver. An English language translation of document FP6 is enclosed as document NPL28.

Document FP7 (JP 55-136733) appears to describe a mobile message control system. An English language translation of document FP7 is enclosed as document NPL29.

Document FP8 (JP 61-071738) appears to describe a data transmission system. An English language translation of document FP8 is enclosed as document NPL30.

Document FP9 (JP 61-270930) appears to describe a wireless transmission system. An English language translation of document FP9 is enclosed as document NPL31.

Document FP10 (JP 63-198438) appears to describe a radio data communication system. An English language translation of document FP10 is enclosed as document NPL32.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this reexamination proceeding that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert Sokohl
Attorney for Applicant
Registration No. 36,013

Date: May 22, 2006

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

534393_1.DOC

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO				Complete if Known	
				Application Number	90/007,617
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Filing Date	July 6, 2005
				First Named Inventor	L. Tymes
				Art Unit	2616
				Examiner Name	Hanh Nguyen
				Attorney Docket Number	2319.065REX0
Sheet	1	of	1		

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	US24	4,449,248	05/15/1984	LESLIE, et al.	
	US25				
	US26				
	US27				
	US28				
	US29				
	US30				
	US31				
	US32				
	US33				
	US34				
	US35				
	US36				
	US37				
	US38				
	US39				
	US40				
	US41				
	US42				
	US43				
	US44				
	US45				

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	FP4	DE 3304451	10/1984	KAPPELLER		X
	FP5	EP 0 131 662	01/23/1985	RODMAN		
	FP6	JP 53-108310	09/21/1978	HORUMESU, et al.		
	FP7	JP 55-136733	10/24/1980	HARUO, et al.		
	FP8	JP 61-071738	04/12/1986	KENJI, et al.		
	FP9	JP 61-270930	12/01/1986	HIROSHI		
	FP10	JP 63-198438	08/17/1988	MASAKAZU, et al.		

534387_1.DOC

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				<i>Complete if Known</i>	
				Application Number	90/007,617
				Filing Date	July 6, 2005
				First Named Inventor	L. Tymes
				Art Unit	2616
				Examiner Name	Hanh Nguyen
Sheet	1	of	1	Attorney Docket Number	2319.065REX0

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published	T ²
	NPL26	Michael J. FERGUSON, "On the Control, Stability, and Waiting Time in a Slotted ALOHA Random-Access System", IEEE Transactions on Communication, November 1975, pp. 1300, 1308 and 1310.	
	NPL27	Certified Translation of German Patent No. DE 3304451, 21 pages (October 18, 1984 - Date of Publication of Patent).	
	NPL28	English Language Abstract of Japanese Patent Publication No. JP 53-108310, data supplied by espacenet, 1 page (September 21, 1978 - Date of Publication).	
	NPL29	English Language Abstract of Japanese Patent Publication No. JP 55-136733, data supplied by espacenet, 1 page (October 24, 1980 - Date of Publication).	
	NPL30	English Language Abstract of Japanese Patent Publication No. JP 61-071738, data supplied by espacenet, 1 page (April 12, 1986 - Date of Publication).	
	NPL31	English Language Abstract of Japanese Patent Publication No. JP 61-270930, data supplied by espacenet, 1 page (December 1, 1986 - Date of Publication).	
	NPL32	English Language Abstract of Japanese Patent Publication No. JP 63-198438, data supplied by espacenet, 1 page (August 17, 1988 - Date of Publication).	
	NPL33		
	NPL34		

534386_1.DOC

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.
 This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
90/007,617	07/06/2005	5029183	M-16056-REUS	7501

26111 7590 07/11/2006

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



7/20/2006

THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS

Edward C. Kwok

MACPHERSON KWOK CHEN & HEID LLP

1762 Technology Drive, Suite 226

San Jose, CA 95110

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO 90/007617

PATENT NO. 5,029,183

ART UNI 3993

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified ex parte reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the ex parte reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Ex Parte Reexamination Interview Summary	Control No.	Patent Under Reexamination	
	90/007,617	5029183	
	Examiner	Art Unit	
	Roland G. Foster	3992	

All participants (USPTO personnel, patent owner, patent owner's representative):

- (1) Roland G. Foster (3) Lori Gordon
(2) Robert Sokohl (4) _____

Date of Interview: 11 July 2006

Type: a) Telephonic b) Video Conference
c) Personal (copy given to: 1) patent owner 2) patent owner's representative)

Exhibit shown or demonstration conducted: d) Yes e) No.
If Yes, brief description: _____

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.
Any other agreement(s) are set forth below under "Description of the general nature of what was agreed to..."

Claim(s) discussed: 1.

Identification of prior art discussed: Koohgoli, Carlman.

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:
Patent Owner's representatives explained the constructions of base station as defined in the prosecution history, specification and by the district court.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims patentable, if available, must be attached. Also, where no copy of the amendments that would render the claims patentable is available, a summary thereof must be attached.)

A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION MUST INCLUDE PATENT OWNER'S STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. (See MPEP § 2281). IF A RESPONSE TO THE LAST OFFICE ACTION HAS ALREADY BEEN FILED, THEN PATENT OWNER IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO PROVIDE THE MANDATORY STATEMENT OF THE SUBSTANCE OF THE INTERVIEW (37 CFR 1.560(b)). THE REQUIREMENT FOR PATENT OWNER'S STATEMENT CAN NOT BE WAIVED. EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).

cc: Requester (if third party requester)



Examiner's signature, if required

Reexam



Robert Greene Sterne
Jorge A. Goldstein
David K.S. Cornwell
Robert W. Esmond
Tracy-Gene G. Durkin
Michele A. Cimbala
Michael B. Ray
Robert E. Sokohl
Eric K. Steffe
Michael Q. Lee
Steven R. Ludwig
John M. Covert
Linda E. Homer
Robert C. Millonig
Donald J. Featherstone
Timothy J. Shea, Jr
Michael V. Messinger
Judith U. Kim

Patrick E. Garrett
Jeffrey T. Helvey
Eldora L. Ellison
Thomas C. Fiala
Donald R. Banowitz
Peter A. Jackman
Jeffrey S. Weaver
Brian J. Del Buono
Edward W. Yee
Vincent L. Capuano
Virgil Lee Beason
Theodore A. Wood
Elizabeth J. Haanes
Joseph S. Ostroff
Frank R. Cottingham
Daniel A. Klein
Jason D. Eisenberg
Michael D. Specht

Tracy L. Muller
Jon E. Wright
LuAnne M. DeSantis
Ann E. Summerfield
Helene C. Carlson
Cynthia M. Bouchez
Timothy A. Doyle
Gaby L. Longworth
Lori A. Gordon
Laura A. Vogel
Bryan S. Wade
Bashir M.S. Ali
Shannon A. Carroll
Matthew E. Kelley
Anbar F. Khal
Michelle K. Holoubek
Marsha A. Rose
Young Tang

Christopher J. Walsh
W. Blake Coblenz
James J. Pohl*
John T. Haran
Mark W. Rygiel
Kevin W. McCabe

Registered Patent Agents*
Karen R. Markowicz
Matthew J. Dowd
Katrina Yujian Pei Quach
Bryan L. Skelton
Robert A. Schwartzman
Victoria S. Rutherford
Simon J. Elliott
Julie A. Heider
Mita Mukherjee

Scott M. Woodhouse
Liliana Di Nola-Baron
Peter A. Socarras
Jeffrey K. Mills
Danielle L. Letting
Lori Brandes
Steven C. Oppenheimer

Of Counsel
Edward J. Kessler
Kenneth C. Bass III
Marvin C. Guthrie

*Admitted only in Maryland
*Admitted only in Virginia
*Practice Limited to
Federal Agencies



August 9, 2006

WRITER'S DIRECT NUMBER:
(202) 772-8677
INTERNET ADDRESS:
RSOKOHL@SKGF.COM

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 3992

Attn: Mail Stop Ex Parte Reexam

Re: Reexamination of U.S. Patent No. 5,029,183
Control No. 90/007,617; Filed: July 6, 2005
For: **Packet Data Communication Network**
Inventor: L. Tymes
Our Ref: 2319.065REX0

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Statement of Substance of Interview Under 37 C.F.R. §1.560;
2. Certification of Service on Third Party Requestor of Statement of Substance of Interview Under 37 C.F.R. §1.560;
3. Second Supplemental Information Disclosure Statement;
4. Certification of Service on Third Party Requestor of Second Supplemental Information Disclosure Statement;
5. Listing of the Cited Documents on Form PTO/SB/08A (1 page);
6. Listing of the Cited Documents on Form PTO/SB/08B (1 page);
7. Copies of the Cited Documents (FP11-FP13) and (NPL33); and
8. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are

Commissioner for Patents
August 9, 2006
Page 2

necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert Sokohl
Attorney for Applicant
Registration No. 36,013

RES/LAG:smn
Enclosures

561444_1.DOC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re reexam of: U.S. Patent 5,029,183
(TYMES)

Control No.: 90/007,617

Filed: July 6, 2005

For: **Packet Data Communication
Network**

Confirmation No.: 7501

Art Unit: 3992

Examiner: Roland G. Foster

Atty. Docket: 2319.065REX0

Statement of Substance of Interview Under 37 C.F.R. §1.560

Attn: Mail Stop Ex Parte Reexam

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with 37 C.F.R. § 1.560, Applicants submit the following Statement of Substance of Interview for the interview conducted on July 11, 2006 between Examiner Roland G. Foster and Patent Owner's representatives, Robert E. Sokohl and Lori A. Gordon .

During that interview, the Patent Owner's representatives explained the required construction of the claim term "base station" according to the prosecution history and specification. Patent Owner's representatives further explained that this required construction is in complete agreement with the claim construction by the Honorable Chief Judge Sue L. Robinson in the Symbol Technologies, Inc. v. Proxim, Inc. litigation, Civil Action No. 1:01-cv-00801-SLR (District Court for the District of Delaware, July 30, 2003). Finally, the Patent Owner's representatives explained that the cited art fails to disclose, teach, or suggest a system or method having a power saving mode of operation in which a base station cannot initiate data communications with a remote terminal.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

It is not believed that extensions of time or other fees are required. However, if any fees are necessary to prevent abandonment of this application, then such fees are hereby petitioned and hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert Sokohl
Attorney for Applicant
Registration No. 36,013

Date: August 9, 2006

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re reexam of: U.S. Patent No. 5,029,183
(TYMES)
Control No.: 90/007,617
Filed: July 6, 2005
For: **Packet Data Communication
Network**

Confirmation No.: 7501
Art Unit: 3992
Examiner: Roland G. Foster
Atty. Docket: 2319.065REX0

Second Supplemental Information Disclosure Statement

Mail Stop Ex Parte Reexam

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Forms PTO-1449 and PTO-SB08 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.555 and 1.98.

Applicant has listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent

application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Copies of documents NPL33 and FP11-FP13 are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), no copies of U.S. patents and patent application publications cited on the attached IDS Forms are submitted.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this reexamination proceeding that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert Sokohl
Attorney for Applicant
Registration No. 36,013

Date: August 9, 2006

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

568232_1.DOC

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO				Complete if Known	
SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	90/007,617
				Filing Date	July 6, 2005
				First Named Inventor	L. Tymes
				Art Unit	3992
				Examiner Name	Roland G. Foster
Sheet	1	of	1	Attorney Docket Number	2319.065REX0

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (If Known)			
	US25	4,344,171	08-10-1982	LIN, et al.	
	US26	4,654,654	03-31-1987	BUTLER, et al.	
	US27	4,679,244	07-07-1987	KAWASAKI, et al.	
	US28	4,811,379	03-07-1989	GRANDFIELD	
	US29	4,882,770	11-21-1989	MIYAHIRA, et al.	
	US30	4,940,963	07-10-1990	GUTMAN, et al.	
	US31	4,979,168	12-18-1990	COURTOIS, et al.	
	US32	5,020,093	05-28-1991	PIREH	
	US33				
	US34				
	US35				
	US36				
	US37				
	US38				
	US39				
	US40				
	US41				
	US42				
	US43				
	US44				
	US45				

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	FP11	EP 0 303 020	02-15-1989	UEHARA		
	FP12	EP 0 314 217	05-03-1989	COURTOIS, et al.		
	FP13	EP 0 319 219	06-07-1989	MURAI, et al.		

568249_1.DOC

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO				Complete if Known	
SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	90/007,617
				Filing Date	July 6, 2005
				First Named Inventor	L. Tymes
				Art Unit	3992
				Examiner Name	Roland G. Foster
Sheet	1	of	1	Attorney Docket Number	2319.065REX0

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published	T ²
	NPL33	LIN, Shu and COSTELLO, Daniel J., Jr., "ERROR CONTROL CODING: Fundamentals and Applications," Prentice-Hall, Inc., Englewoods Cliffs, NJ, 1983, pp. 458-465.	
	NPL34		
	NPL35		
	NPL36		
	NPL37		
	NPL38		
	NPL39		
	NPL40		
	NPL41		

568253_1.DOC

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Under Reexamination: 5,029,183
Reexamination Control No.: 90/007,617
Examiner: Roland G. Foster
Art Unit: 3992

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**CERTIFICATION OF SERVICE OF STATEMENT OF SUBSTANCE OF
INTERVIEW UNDER 37 C.F.R. §1.560**

In compliance with 37 C.F.R. § 1.550(f), the undersigned, on behalf of the patent owner, hereby certifies that a copy of this paper has been served on the third-party requester by first class mail on August 9, 2006. The name and address of the party served is as follows:

Edward C. Kwok
Macpherson, Kwok, Chen, & Heid LLP
1762 Technology Drive Suite 226
San Jose, CA 95121

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert E. Sokohl
Attorney for Patent Owner
Registration No. 36,013

Date: August 9, 2006

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

561441_1.DOC

Patent Under Reexamination: 5,029,183
Reexamination Control No.: 90/007,617
Examiner: Roland G. Foster
Art Unit: 3992

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

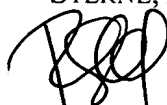
**CERTIFICATION OF SERVICE OF SECOND SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT**

In compliance with 37 C.F.R. § 1.550(f), the undersigned, on behalf of the patent owner, hereby certifies that a copy of this paper has been served on the third-party requester by first class mail on August 9, 2006. The name and address of the party served is as follows:

Edward C. Kwok
Macpherson, Kwok, Chen, & Heid LLP
1762 Technology Drive Suite 226
San Jose, CA 95121

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert E. Sokohl
Attorney for Patent Owner
Registration No. 36,013

Date: August 9, 2006

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
90/007,617	07/06/2005	5029183	M-16056-REUS	7501

26111 7590 02/09/2007
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 02/09/2007

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS

2/9/07

Edward C. Kwok
MACPHERSON KWOK CHEN & HEIDI LLP
1762 Technology Drive, Suite 226
San Jose, CA 95110

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO 90/007617

PATENT NO. 5,029,183

ART UNI 3993

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified ex parte reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the ex parte reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Office Action in Ex Parte Reexamination	Control No. 90/007,617	Patent Under Reexamination 5029183	
	Examiner Roland G. Foster	Art Unit 3992	

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

- a Responsive to the communication(s) filed on 4/14/06 & 4/9/06 . b This action is made FINAL.
c A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire 2 month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c)**. If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

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

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 3. <input type="checkbox"/> Interview Summary, PTO-474. |
| 2. <input checked="" type="checkbox"/> Information Disclosure Statement, PTO/SB/08. | 4. <input type="checkbox"/> _____. |

Part II SUMMARY OF ACTION

- 1a. Claims 1-84 are subject to reexamination.
1b. Claims _____ are not subject to reexamination.
2. Claims _____ have been canceled in the present reexamination proceeding.
3. Claims 45,46,58,59 and 69-84 are patentable and/or confirmed.
4. Claims 1-44, 47-57, and 60-68 are rejected.
5. Claims _____ are objected to.
6. The drawings, filed on _____ are acceptable.
7. The proposed drawing correction, filed on _____ has been (7a) approved (7b) disapproved.
8. Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of the certified copies have
1 been received.
2 not been received.
3 been filed in Application No. _____ .
4 been filed in reexamination Control No. _____.
5 been received by the International Bureau in PCT application No. _____.
* See the attached detailed Office action for a list of the certified copies not received.
9. Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11, 453 O.G. 213.
10. Other: _____

cc: Requester (if third party requester)

Reexamination

Summary

The reply, filed on April 14, 2006, (the "Reply") and the Patent Owner's summary of the interview, filed on August 09, 2006, (the "Interview Summary") have been duly considered but are not deemed persuasive to overcome the prior rejections. See the "Response to Arguments" section below for additional details. A new grounds of rejection, however, is set forth below to address certain issues observed by the Office in the last rejection, mailed on February 14, 2006, and thus develop a more complete prosecution history in the reexamination proceeding.

Claim Rejections

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 a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 3992

Claims 1, 2, 5-7, 9, 10, 14-18, 21, 22, 25-28, 35-37, 40-42, 47-50, 53, 54, 56, 57, 60, 63, and 66-69 are rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 4,771,448 ("Koohgoli"), of record.

Regarding **claims 1, 5, 21, 25, 26, 40, and 47**:

1. A method of transmitting data packets from one of a plurality of remote terminal units to a base station, comprising the steps of:

(a) transmitting a data packet from said one unit to said base station during a first time period selected by the unit;

(b) receiving at said one unit from said base station an acknowledge signal during a second time period occurring only a fixed time delay after said first time period, said second time period being the same for at least some of said units.

Before applying Koohgoli to claim 1, it is helpful to consider claim 1 in view of Patent Owner's specification. Patent Owner's specification teaches that data packets are transmitted from the remote unit during a first time period t_2 (Fig. 2 and col. 5, ll. 40-61), immediately after which the remote unit "begins listening for the return packet...from the base station" during a second time period occurring a fixed time delay (t_3) after the first period (Figs. 2, 11A, 11B, and col. 5, ll. 58-61). Consider Figure 1 below.

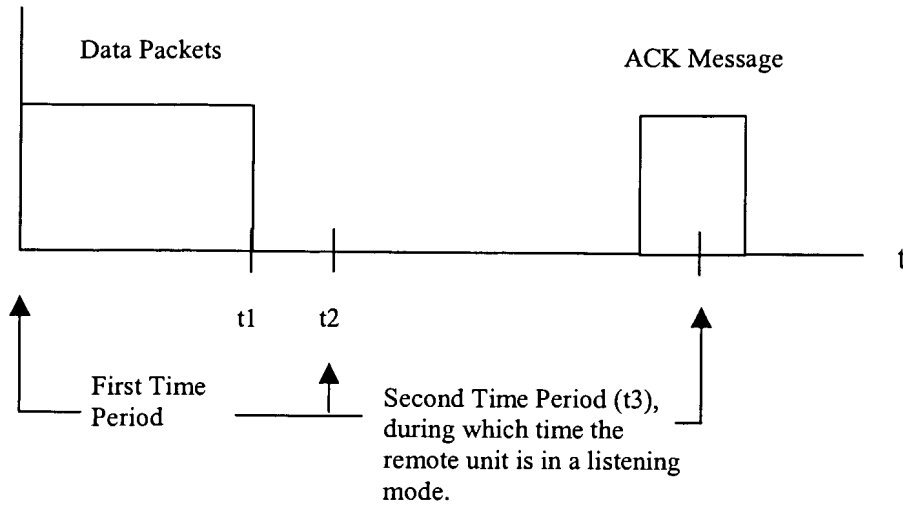


Figure 1. Claim 1 in View of Patent Owner's Specification.

Similarly, and as to be discussed in detail below, Koohgoli teaches that data packet(s) (a REQ message) are transmitted from the remote unit during a first time period, defined as the time TL1 plus the time required to transmit the REQ message, immediately after which the remote unit goes into a listening mode during a second time period occurring a fixed time delay (TL2) after the first time period.

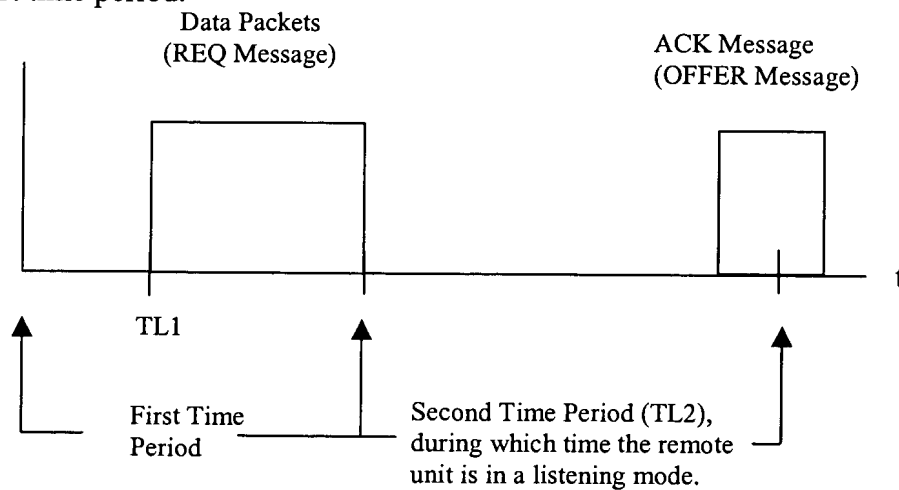


Figure 2. Claim 1 as Applied to Koohgoli

Specifically regarding claim 1, Koohgoli teaches, in Fig. 3, a method of transmitting data packets from one of a plurality of remote terminal units (a portable unit 16, which is also a data terminal, col. 6, ll. 27-31) to a base station (base station 13), comprising the steps of transmitting a data packet from the one unit to the base station during a first time period selected by the unit. In particular, the portable unit 16 transmits a message, such as a request ("REQ") message (data packet) (col. 7, ll. 48-67), from the portable unit 16 to the base station 13 during the a first time period comprised by the time TL1 plus the time required to transmit the message (col. 11, line 62 – col. 12, line 2). The remote unit (portable unit 16) assigns TL1 to a random value TR (col. 11, ll. 64-68), thus the remote unit selects TL1. Because the first time period is TL1 plus the time required to transmit the REQ data packets, the remote unit therefore also selects the length of the first time period.

Koohgoli also teaches receiving at said remote terminal unit (portable unit 16) from the base station an OFFER message, which is transmitted by the base station in recognition of the previously received REQ message (col. 8, ll. 1-40) and where the remote terminal expects and processes such a response (col. 8, ll. 41-68). Thus, the OFFER message is an acknowledgement signal.

The acknowledgement signal (OFFER message) is received at the remote unit (portable 16) during a second time period occurring only a fixed time delay TL2 after the first time period, during which time the remote unit (portable unit 16) goes into a listening mode waiting for the acknowledgement signal (col. 12, ll. 3-20).

The second time period is preferably 2000 microseconds (col. 12, ll. 21-25), which would be the same for all the remote terminal units (portables 16) (col. 6, ll. 27-31).

Claim 21 differs substantively from claim 1 in that claim 21 recites a system comprising components that implements the steps recited in the method of claim 1. Therefore, see the claim 1 rejection for additional details. Furthermore, data is transferred from the base station to the remote terminal unit via a radio frequency ("RF") communications channel (col. 6, ll. 43-50), thus a "transmitter" is inherent to a base station 13 and a "receiver" is inherent to a portable, remote unit (portable unit 16).

Claim 40 differs substantively from claim 1 in that claim 40 recites that the data packet includes the identification ("ID") of the terminal and that the acknowledgement signal includes the ID of the terminal. Koohgoli further teaches that the data packet (REQ message) includes the ID of the terminal (ID of portable unit 16) (col. 7, l. 60-62) and that the acknowledgement signal (OFFER message) includes the ID of the terminal (portable unit 16) as well as base station 13 (col.8, lines 20-23).

Claims 50 and 60 differ substantively from the claims discussed above in the following manner. The subject claims recites a "host computer," which reads on switch 11, which is a computer-based switch, such as an SL-100 (Northern Telecom) private branch exchange (col. 5, ll. 47-51).

The claims also recite a variety of "input/output ports", however the term "port" is a broad term that means a hardware interface that connects one computer device to another. Koohgoli teaches that all computer devices are connected to each other (Figs. 1 and 2) and thus the computer devices of Koohgoli comprise input/output ports wherever they connect together.

The subject claims also recite that the base stations also include an "RF transmitter/receiver responsive to received encoded RF signal packets and transmitting RF acknowledge signal packets." As discussed above, Koohgoli teaches that the base station detects REQ data packets and transmits acknowledge (OFFER) data packets over a radio frequency ("RF") channel. See also col. 6, ll. 43-50. Thus, the base station includes an RF transmitter and receiver. See also the claim 21 rejection. Furthermore, Koohgoli teaches that the transmitted packet received at the base station and the acknowledge signal sent by the base station are coded into and decoded from the appropriate protocols radio protocols, e.g., "unslotted ALOHA type" with carrier sense" (col. 7, ll. 50-55). Thus, the base station performs coding/decoding to and from the radio channel.

The subject claims also recite that the remote units include a "memory for storing data from a local data source, and a processor for transferring data to and from the memory." The remote terminal unit (portable unit 16) in Koohgoli is a computer-based system (see, e.g., col. 6, ll. 26-31) and thus includes a processor that implements the functions of the remote terminal unit and a memory to store binary data that the processor fetches instructions and data received

Art Unit: 3992

and/or transmitted from the local data source (or from the RF channel) would also be, at least temporarily, stored and/or buffered in computer memory before being processed by the processor.

The subject claims also recite that the remote unit includes an "RF transmitter/receiver" for performing various functions (e.g., transmitting encoded data packets, detecting an acknowledge signal packet from the base station in a fixed time window) previously addressed above. Thus, the remote terminal unit includes the recited means for transmitting encoded packets and a detector. The subject claims also recite that the remote terminal unit includes a "modulator for modulating an outgoing carrier." The remote unit includes an RF transmitter/receiver for the same reasons that the base station also includes an RF transmitter/receiver, which was discussed extensively above. See also the claim 21 rejection. The remote terminal unit (portable unit 16) also modulates a carrier frequency (col. 12, ll. 3-10) and thus would include a modulator.

Regarding **claims 2, 22, and 42**, Koohgoli discloses the transmitting and receiving steps are by RF signals. See the claims 1, 12, and 50 rejections above. Therefore, the transmitting and receiving steps are performed by RF signals.

Regarding **claims 5 and 25**, see the claim 40 rejection for additional details.

Regarding **claim 6**, see the claim 1 rejection for additional details.

Regarding **claims 7 and 27**, Koohgoli discloses the remote stations are hand-held data gathering units, which include manual control elements and where each remote unit 16 is capable of receiving/transmitting voice/data by the manual placement/reception of a calls (col.6, lines 30-42).

Regarding **claim 9**, the base station in Koohgoli is a computer-based system and thus includes a processor that implements the functions of the base station device and a memory to store binary data that the processor fetches instructions and data from. Transmitted and received data packets would also be, at least temporarily, stored and/or buffered in the computer memory.

Regarding **claim 10**, Koohgoli teaches that both the transmitted packet received at the base station and the acknowledge signal sent by the base station are coded into and decoded from the appropriate protocols radio protocols, e.g., "unslotted ALOHA type" with carrier sense" (col. 7, ll. 50-55). Thus, a processor in the base station, which implements the functions of the base station device, as discussed in the claim 9 rejection above, would also perform coding/decoding to and from the radio channel.

Regarding **claim 14**, Koohgoli teaches that a second station transmits the acknowledgement signal. Specifically, a base station (second station) sends an acknowledgment signal (OFFER message, as discussed in the claim 1 rejection above) to portable unit 16. The base station (second station) is one of a plurality of said second stations physically spaced from

one another that may send an acknowledgment signal (OFFER message) because the base station 13 is one of plurality of other base stations 13 located in separate cells 12 (Fig. 1 and col.5, l. 50 – col. 6, l. 30). There is a plurality of remote terminal units (portable units 16) for each of the second station because there are many portable units 16 in each cell 12 in which the base station 16 is located (col. 6, ll. 27-31).

Regarding **claims 15, 17, and 36**, Koohgoli teaches that the transmitted packet and the acknowledge signal is coded into the appropriate protocol, e.g., "unslotted ALOHA type" with carrier sense" (col. 7, ll. 50-55) and identifies each unit, as discussed in the claim 40 rejection above. Thus the identification would be unique to the particular terminal unit; otherwise the remote terminal unit could not be identified, contrary to the teachings of Koohgoli.

Regarding **claims 16, 35, and 41**, Koohgoli discloses the unit, prior to the transmitting, receives the data packet in order to detect transmission by other like units (portable unit 16 senses the activity of uplink channel to determine if the uplink channel is free to transmit, see col.7, lines 52-57 and col. 11, l. 40 – col. 12, l. 25).

Regarding **claims 18, 28 and 37**, the remote terminal unit in Koohgoli is a computer-based system and thus includes a processor that implements the functions of the remote terminal unit and a memory to store binary data that the processor fetches instructions and data from. Transmitted and received data packets would also be, at least temporarily, stored and/or buffered in computer memory.

Regarding **claim 26**, Koohgoli teaches a plurality of remote stations (portable units 16) (col. 6, ll. 27-31).

Regarding **claim 47**, see col. 8, ll. 19-23.

Regarding **claims 48 and 49**, Koohgoli teaches that the remote terminal will not listen and instead attempt to transmit data (i.e., nonresponsive to transmissions from the base station) after the time window TL2 has elapsed (col. 12, ll. 1-20). Also note that the remote terminal is responsive to the transmission from base station only during the request time out period (col.8, lines 45-68). See the claim 1 rejection for additional details.

Regarding **claim 53**, Koohgoli that each base station is coupled for communication to a host computer (switch 11), as discussed in the claim 50 rejection, via a serial land link 14 (col.7, lines 1-35).

Regarding **claim 54**, see the claim 1 rejection for additional details.

Regarding **claims 56 and 63**, see the claims 1 and 15 rejections above for additional details.

Regarding **claim 57**, see col. 8, ll. 1-10.

Regarding **claim 66**, see the claim 1 rejection for additional details.

Regarding **claims 67 and 68**, see the claims 1 and 50 rejections for additional details.

Claim Rejections - 35 USC § 103

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.

Claims 3, 4, 8, 11, 12, 13, 19, 20, 23, 24, 30-33, 38, 39, 43, 51, 52, 61, and 62 are rejected under 35 USC 103(a) as being unpatentable over Koohgoli, as applied to the claims above.

Regarding **claims 8, 19, 29, 38, 51, and 61**, Koohgoli discloses the remote unit including bar-code reading devices (portable unit 16 is capable of scanning all downlink radio channels; see col. 6, lines 30-34). Thus, the portable unit 16 is clearly a data-gathering device, which the Patent Owner considers capable of being equivalent to a bar code reading device. See for example, col. 5, ll. 25-32 of the Tymes patent under reexamination, where, although "bar-code readers are mentioned...[o]ther types of data gathering devices may use the features of the

invention..." Nonetheless, Koohgoli fails to explicitly disclose that the remote data terminal may be a bar code reader device.

However, the Patent Owner admits in the background section of the Tymes patent that prior art, remote data terminals, in the form of bar code reader, are connected to radio frequency ("RF") networks (col. 1, ll. 10-42).

To one of ordinary skill in the art at the time the invention was made, it would have been obvious to implement the remote data terminals connected to an RF network, as taught by Koohgoli as a bar code reader, as taught by Patent Owner's admitted prior art.

The suggestion/motivation for doing so would have been to the flexibility and convenience of the bar code reading system, for example, "when the bar code reader is to be used by a person who is moving about a building, or when temporary installations are employed, physical wiring is unsuitable, or is at least quite inconvenient" (Tymes, col. 1, ll. 15-20).

Regarding claims 3, 4, 11, 23, 24, 31, 43, 52, and 62, Koohgoli fails to disclose the RF signals are a spread spectrum direct sequence. Such a teaching however was officially noticed as being well known by the examiner in the last Office action and the Patent Owner in his reply did not traverse such an finding. Thus, the examiner's statement is taken to be admitted prior art.

Therefore, it would have been obvious to use RF signals in spread spectrum direct sequence in cellular system of Koohgoli.

The suggestion/motivation for doing so would have been to increase communication channel efficiency by prevent co-channel interferences. Specifically, and as officially noticed, the use of RF signals in spread spectrum direct sequence is well known in the art because each remote unit is assigned a PN code which prevent interferences between different remote units.

Regarding **claims 12, 13, 32, and 33**, Koohgoli discloses the acknowledge signal is transmitted by a second station which is one of a plurality of like second stations (base station 13, like other base stations 13, transmits an OFFER message to portable unit 16; see col.8, lines 15-20); and each one of the second stations is coupled for communication to a central computer (in cellular system as shown in Fig.1, each base station 13 is coupled to a switch 11 via a serial land link 14; see also col.7, lines 1-35). See the claim 14 rejection for additional details.

Regarding **claims 20 and 30**, Koohgoli discloses the remote unit including keyboard inputs and visual display (portable unit 16 are telephone units or data modem; see col.2, lines 65; which are used in cellular network. Therefore, they have keyboard inputs and visual display).

Regarding **claim 34**, see the claims 50 and 60 rejections for additional details.

Regarding **claim 39**, Koohgoli discloses the remote unit including keyboard inputs and visual display (portable unit 16 are telephone units or data modem; see col.2, lines 65; which are used in cellular network. Therefore, they have keyboard inputs and visual display).

Claims 55, 64, and 65 are rejected under 35 USC 103(a) as being unpatentable over Koohgoli in view of Carlman, as applied to the claims above, and further in view of U.S. Patent No. 4,332,027 ("Malcolm"), of record.

Regarding **claims 55 and 64**, Koohgoli and Carlman fail to disclose the encoded RF signal including a header containing a synchronizing signals followed by a block of data signals.

Malcolm however discloses, in Fig.2, a fixed size packet containing syn code followed by a destination address (a header). The destination address is followed by a data field. See col.3, lines 5-15.

To one of ordinary skill in the art at the time the invention was made, it would have been obvious to have synchronizing signal in the RF signal of Koohgoli so that the request and ACK signals are transmitted and received at a desired time thereby increasing the efficiency, predictability, and accuracy of data transmission. For example, use of the synchronizing signal would have "minimized conflicts between the respective nodes without requiring transmitting stations to be capable of detecting collisions" (Malcom, col. 1, ll. 60-68) without requiring a costly, complex master controller (Malcom, col. 1, ll. 13-40).

Regarding **claim 65**, see the claims 1 and 15 rejection above for additional details.

Claim 44 is rejected under 35 USC 103(a) as being unpatentable over Koohgoli as applied to the claims above, and further in view of U.S. Patent No. 4,587,661 ("Shiff"), of record.

Koohgoli fails to disclose spread spectrum technique employs a sequence of frequency shifts between two frequencies. Shiff discloses a spread spectrum transmission between an earth station and satellite such as indicated in fig.4, a change in frequency occurs in response to a change of clock pulse rate; see col.7, lines 8-20 (a sequence of frequency shifts between two frequencies). Therefore, it would have been obvious use the frequency shift of Shiff into the Koohgoli et al. in order to provide synchronization at portable unit 16. Furthermore, such synchronization would have increased efficiency by maintaining the a low error rate because orthogonality of the sequences (Shiff, col. 2, ll. 44-68).

STATEMENT OF REASONS FOR PATENTABILITY AND/OR CONFIRMATION

The following is an examiner's statement of reasons for patentability and/or confirmation of the claims found patentable in this reexamination proceeding.

Claims 45, 46, 58, 59 and 69-84 are confirmed.

Regarding confirmation of **claims 45, 46, 58, 59, and 69-75**, see pages 9 and 10 of the non-final Office action, mailed February 14, 2006 for further details.

Regarding confirmation of independent **claim 76**, from which **claims 77-84** depend, Koohgoli fails to teach the limitations "receiving said distress packet at a plurality of base stations, and at each one of said base stations, sending a message to other of said base stations indicating the identity of said remote terminal and the quality of reception of said distress packet" and "at a base station, comparing said message to select one of said base stations to be designated for communications with said remote terminal." Although Koohgoli teaches receiving a distress packet at a plurality of base stations, Koohgoli fails to teach that "each of said base stations" (i.e., every base station that received a distress packet) send messages specifically intended for the other base stations to receive, much less a message indicating the identity of the remote terminal and a quality of reception of the distress packet. Instead all messages sent by the base station are sent to the remote terminal unit (portable unit 16) (Fig. 3), including those messages containing quality of reception information (col. 8, ll. 46).. Furthermore, it is the remote terminal units (portable 16) rather than the base stations that "compare[]..said message to select one of said base stations" (col. 8, ll. 43-59). Thus, Koohgoli would require significant structural modification in order to teach all limitations within claim 76.

The remaining prior art of records fails to teach or fairly suggest the obviousness of substantially modifying Koohgoli (as discussed above) in order to arrive at the invention as recited in claim 76. Indeed, the Patent Owner and Third Party cited prior art of record, including

the Koohgoli patent, appears to be substantially directed to different features, which were recited in claims 1, 16, 21, 35, 40, and 41 and which were apparent the focus of the Request for Reexamination, filed on July 6, 2005. For example, independent claim 1 recites feature directed to receiving an acknowledge signal during a second time period occurring only a fixed time delay after said first time period. Similarly, all of the prior art of record cited in the Request was similarly directed to these features, instead of to the features recited in claim 76 discussed above.

Because the Patent Owner and Third Party prior art of record, including the Koohgoli patent, was cited for teaching purposes that substantially differ from the feature recited in claim 76, as discussed above, said prior art of record, either alone or in combination, fails to teach or fairly suggest the obviousness of the features recited in claim 76.

The above reasons for confirmation are based on the claims as presently set forth in their totality. The above reasons for confirmation should not be interpreted as indicating that amended claims broadly reciting certain limitations discussed in the above reasons for confirmation would be allowable. A more detailed reasons for confirmation may be set forth in a subsequent Office action if and when all claims in the reexamination proceeding are put into a condition for determination of patentability.

Any comments considered necessary by PATENT OWNER regarding the above statement must be submitted promptly to avoid processing delays. Such submission by the

patent owner should be labeled: "Comments on Statement of Reasons for Patentability and/or Confirmation" and will be placed in the reexamination file.

Response to Arguments

Summary

Patent Owner argues that the claim term "base station" is specially defined in the specification, by the prosecution history, and by claim construction rulings in a U.S. District court to mean a unit, which cannot initiate data communications with a remote terminal unit so the remote terminal unit can minimize power consumption.

The Patent Owner arguments have been duly considered, but are deemed unpersuasive for the reasons explained below. Furthermore, even if limitations from the specification should be read into the claims as the Patent Owner argues, which they should not, the applied 102 art of record still teaches these unclaimed limitations.

The Patent Owner Did Not Act as His Own Lexicographer

On page 20 and 21 of the Reply and in the Interview Summary, the Patent Owner argues that certain sections in the specification of U.S. Patent No. 5,029,183 currently under reexamination (the "Tymes" patent) give the claim term "base station" a special definition

meaning a "unit which cannot initiate data communications with a remote terminal unit so the remote terminal unit can minimize power consumption."

The Patent Owner is entitled to be his or her own lexicographer and may rebut the presumption that claim terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term that is different from its ordinary and customary meaning(s). See *In re Paulsen*, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994) (holding that specific terms may be used to describe invention, but must done "with reasonable clarity, deliberateness, and precision" and, if done, must "set out his uncommon definition in some manner within the patent disclosure' so as to give one of ordinary skill in the art notice of the change" in meaning) (quoting *Intellicall, Inc. v. Phonometrics, Inc.*, 952 F.2d 1384, 1387-88, 21 USPQ2d 1383, 1386 (Fed. Cir. 1992)). See also *Merck & Co., Inc., v. Teva Pharms. USA, Inc.*, 395 F.3d 1364, 1370, 73 USPQ2d 1641, 1646 (Fed. Cir. 2005) ("When a patentee acts as his own lexicographer in redefining the meaning of particular claim terms away from their ordinary meaning, he must clearly express that intent in the written description.") (emphasis added). See also MPEP 2111.01.IV.

Here, rather than pointing to a special definition in the specification, the Patent Owner instead points to embodiment(s) describing a base station that refrains from initiating data communications with a remote terminal. See page 21 of the Reply. In contrast, the claims only explicitly recite a "base station." "[A] particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the

Art Unit: 3992

embodiment." Superguide Corp. v. DirecTV Enterprises, Inc., 358 F.3d 870, 875, 69 USPQ2d 1865, 1868 (Fed. Cir. 2004). "[A]lthough the specification often describes very specific embodiments of the invention, we have repeatedly warned against confining the claims to those embodiments." Innova/Pure Water, Inc. v. Safari Water Filtration Sys., Inc. 381 F.3d 111, 115 (Fed. Cir. 2004). See also Liebel-Flarsheim Co. v. Medrad Inc., 358 F.3d 898, 906, 69 USPQ2d 1801, 1807 (Fed. Cir. 2004) (discussing recent cases wherein the court expressly rejected the contention that if a patent describes only a single embodiment, the claims of the patent must be construed as being limited to that embodiment). "When the claim addresses only some of the features disclosed in the specification, it is improper to limit the claim to other, unclaimed features. Phillips v. AWH Corp., 415 F.3d 1303, 1327 (Fed. Cir. 2005) (en banc).

Furthermore, none of the embodiments cited by the Patent Owner in the Reply mention the advantage of minimizing power consumption, which is part of the "special definition" proposed by the Patent Owner. Indeed, the Tymes patent teaches that various embodiments have other advantages, such as "low-cost" units of "lesser computational capacity" (col. 3, ll. 10-14 and col. 13, ll. 17-19, 25-30, and 42-51). Thus, minimization of power consumption is merely one of several, exemplary advantages that one of ordinary skill in the art would consider when interpreting the claims. Thus, minimization of power consumption would have been an unclear and imprecise choice for a special definition.

Thus, the Tymes patent fails to clearly express an intent with reasonable clarity and precision to one of ordinary skill in the art that the claim term "base station" should be

Art Unit: 3992

interpreted according to a special definition, namely as a unit which cannot initiate data communications with a remote terminal until so the remote terminal unit can minimize power consumption. Rather, the Tymes patent describes embodiment(s) rather than a special definition, where minimization of power consumption is merely one of several disclosed advantages, rendering it an unclear and imprecise choice for a special definition.

The Tymes Patent Is Before the Office in a Reexamination Proceeding, Thus the
Prosecution History is Currently Incomplete

On pages 22 and 23 of the Reply and in the Interview Summary, the Patent Owner argues that prosecution history establishes a special meaning for a claim term by ways of statements in the prosecution history. These arguments are unpersuasive however because prosecution of the Tymes patent has been reopened before the Office based on a substantial new question of patentability. Furthermore, prior art is being applied that was not of record in the original proceeding. Thus, the prosecution history of the Tymes patent is clearly ongoing and incomplete. Furthermore, the prosecution history identified by the Patent Owner refers to unilateral statements by the Patent Owner and not to any statements made by the prior examiner of record. Finally, prosecution history estoppel of a United States patent is an issue typically addressed by courts of law. Phillips at 1317 ("In addition to consulting the specification, we have held that a court 'should also consider the patent's prosecution history....'" (emphasis added)).

The US Patent Office and Federal Courts Utilize Different Standards for Claim

Construction:

On pages 24 and 25 of the Reply and in the Interview Summary, the Patent Owner argues that the "claim construction ruling by the Honorable Chief Judge Sue L. Robinson in the Symbol Technologies, Inc. v. Proxim, Inc. litigation is in complete agreement with the special definition of the term 'base station' set out by the Patent Owner in the specification and prosecution history."

This argument is unpersuasive however because the U.S. Patent Office and the Federal courts utilize different standards for claim construction. Furthermore, the claim construction rulings made by Judge Robinson do not appear to be in agreement with the special definitions advanced by the Patent Owner in the Reply and in the Interview Summary.

37 CFR 1.555(b) states (emphasis added):

A prima facie case of unpatentability of a claim pending in a reexamination proceeding is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

Note also MPEP 2111 states:

During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

Further:

See also *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997) (The court held that the PTO is not required, in the course of prosecution, to interpret claims in

Art Unit: 3992

applications in the same manner as a court would interpret claims in an infringement suit. Rather, the "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification.").

Such a "broadest reasonable interpretation consistent with the specification" is further required in Reexamination proceedings as well. Note 2258(1)(G) states:

Original patent claims will be examined only on the basis of prior art patents or printed publications applied under the appropriate parts of 35 U.S.C. 102 and 103. See MPEP § 2217. During reexamination, claims are given the broadest reasonable interpretation consistent with the specification and limitations in the specification are not read into the claims (*In re Yamamoto*, 740 F.2d 1569, 222 USPQ 934 (Fed. Cir. 1984)).

Thus, the "'broadest reasonable construction' rule applies to reexaminations as well as initial examinations", where "construing claims broadly during prosecution is not unfair to the applicant...because the applicant has the opportunity to amend the claims to obtain more precise claim coverage." *In re American Academy of Science Tech Center*, 70 USPQ2d 1827, 1830, 367 F3d 1359, 1364 (Fed. Cir. 2004).¹ "[I]t is important that the district court and the PTO can consider different evidence....[a]ccordingly, different results between the two forums may be entirely reasonable....[a]nd, if the district court determines a patent is not invalid, the PTO should continue its reexamination because, of course, the two forums have different standards of proof

¹ "Finally, American Academy points to an inconsistency between the Board's construction of the term "user computer" and that of the district court in American Academy's litigation against Novell. In the district court litigation, the court construed "user computer" to refer to a computer that serves one user at a time. However, the Board is required to use a different standard for construing claims than that used by district courts. It has been held that it is error for the Board to "appl[y] the mode of claim interpretation that is used by courts in litigation, when interpreting the claims of issued patents in connection with determinations of infringement and validity." *In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989); accord *In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997) ("It would be inconsistent with the role assigned to the PTO in issuing a patent to require it to interpret claims in the same manner as judges who, post-issuance, operate under the assumption the patent is valid."). Instead, as we explained above, the PTO is obligated to give claims their broadest reasonable interpretation during examination. Under that standard, it was proper for the Board to construe "user computer" to encompass the mainframes and minicomputers of the cited prior art." *Id.*

Art Unit: 3992

for determining invalidity. Ethicon Inc. v. Quigg, 849 F.2d 1422, 1428-9, 7 USPQ2d 1152, 1157 (Fed. Cir. 1988).

Thus, the Office is required by statute, case law, and the MPEP to utilize the "broadest reasonable interpretation consistent with the specification" standard during reexamination proceedings.

Here, the examiner interpreted the claim term "base station" reasonably broad as not requiring a mode where the base station is precluded from initiating contact with the remote terminal for the purposes of minimizing power consumption at the remote terminal, consistent with the Patent Owner's specification, which fails to set forth any special definitions for the term "base station" as discussed extensively above. Furthermore, the Patent Owner had the opportunity to amend the claims during the current proceeding to explicitly recite a feature that the Patent Owner argues should be read into the claims. Yet the Patent Owner declined to explicitly recite this feature.

Nonetheless, the claim construction ruling by Judge Robinson does not appear to be in agreement with the special definitions advanced by the Patent Owner in the Reply and in the Interview Summary. For example, the statements cited by the Patent Owner on page 24 of the Reply at most indicate that the district court definition includes a unit that "cannot initiate data communications with a remote terminal unit." Nothing is stated about the remote unit minimizing power consumption. The court's statement that the "question you must answer in

Art Unit: 3992

connection with the asserted claims is whether the accused products, in their power save mode, meet each limitation of such claims" (p. 24 of the Reply) refers to a special mode that an accused device operates under, during which time it operates in a manner that allegedly infringes the claims of the Tymes patent. It does not follow that the claims of the Tymes patent must therefore be interpreted to require the power saving mode of the accused device. In contrast, regarding the actual language of the claims in the Tymes patent under reexamination, the court simply states that a "base station" means "a unit that transfers data between a remote terminal unit and a central computer, but which cannot initiate data communications with a remote terminal unit." Id. Thus, the court fails to construe the term "base station" to require minimization of power consumption.

Even if Limitations from the Specification Should Be Read into the Claims of the Tymes Patent, Which They Should Not, the Applied 102 Art of Record, Koohgoli, Still Teaches These Unclaimed Limitations.

Although the unclaimed limitation "base station unit cannot initiate data communications with a remote terminal unit so the remote terminal unit can minimize power consumption" should not be read into the claim term "base station" as discussed above, U.S. Patent No. 4,771,448 (the "Koohgoli" patent) nonetheless teaches a feature. Specifically, Koohgoli teaches that the remote terminals (portables 16) must register with the base station before the base station communicates with them (col. 10, ll. 16-68). That is, the base station receives registration signals transmitted by the remote terminals in order to develop a constantly updated list of

remote terminals that are currently within radio reach of the base station (i.e., "resident portables"). Id. This is a fundamental aspect of cellular system design, where a cellular telephone or data terminal must first send out a registration signal so that a particular base station serving the area where the cellular telephone is currently located will efficiently know that a particular cellular telephone is there. A primary example is an incoming call to a particular cellular telephone. In order to complete a call to a particular cellular telephone, that cellular telephone must have initiated contact (registered with) a particular base station before the base station initiates data communications (incoming call) to that cellular telephone. Id. Thus, incoming calls can be efficiently attempted to the cellular telephone via just one or two base stations. The usual term for a list of cellular devices currently registered to a particular base station is more typically called either the home location register (for cellular devices that currently within reach of "home" base stations) or the visiting location register (for cellular devices that are roaming into reach of a guest base station).

Conclusion

Extensions of time under 37 CFR 1.136(a) do not apply in reexamination proceedings. The provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Further, in 35 U.S.C. 305 and in 37 CFR 1.550(a), it is required that reexamination proceedings "will be conducted with special dispatch within the Office."

Extensions of time in reexamination proceedings are provided for in 37 CFR 1.550(c). A request for extension of time must be filed on or before the day on which a response

to this action is due, and it must be accompanied by the petition fee set forth in 37 CFR 1.17(g). The mere filing of a request will not effect any extension of time. An extension of time will be granted only for sufficient cause, and for a reasonable time specified.

The Patent Owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving the Tymes patent (U.S. Patent No. 5,029,183) throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282, and 2286.

A complete response should be made in response to this Office Action since the next Office Action is expected to be a Final Action. Thus, in order to ensure full consideration of any amendments, affidavits or declarations, or other documents as evidence of patentability, such documents must be submitted in response to this Office Action. Submissions after the next Office Action, which is intended to be a Final Action, will be governed by the requirements of 37 C.F.R. 1.116(b), which will be strictly enforced. Any amendment after a Final Action must include "a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented" in order to be considered. See MPEP § 2260.

All correspondence relating to this ex parte reexamination proceeding should be directed as follows:

By U.S. Postal Service Mail to:

Mail Stop "Ex Parte Reexam"
ATTN: Central Reexamination Unit
Commissioner for Patents
P. O. Box 1450
Alexandria VA 22313-1450

By FAX to:

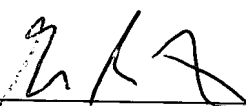
(571) 273-9900
Central Reexamination Unit

By hand to:

Customer Service Window
Central Reexamination Unit
Randolph Building, Lobby Level
401 Dulany Street
Alexandria, VA 22314

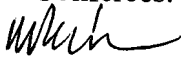

Any inquiry concerning this communication or earlier communications from the Reexamination Legal Advisor or Examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

Signed:



Roland G. Foster
Central Reexamination Unit, Primary Examiner
Electrical Art Unit 3992
(571) 272-7538

Conferees:


MARK J. REINHART
SPRE-AU 3992
CENTRAL REEXAMINATION UNIT

SCOTT L. WEAVER
CRU EXAMINER-AU 3992

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO		Complete if Known	
		Application Number	90/007,617
SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Filing Date	July 6, 2005
		First Named Inventor	L. Tymes
		Art Unit	3992
		Examiner Name	Roland G. Foster
		Attorney Docket Number	2319.065REX0
Sheet	1	of	1

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)				
RF ↓	US25	4,344,171		08-10-1982	LIN, et al.	
	US26	4,654,654		03-31-1987	BUTLER, et al.	
	US27	4,679,244		07-07-1987	KAWASAKI, et al.	
	US28	4,811,379		03-07-1989	GRANDFIELD	
	US29	4,882,770		11-21-1989	MIYAHIRA, et al.	
	US30	4,940,963		07-10-1990	GUTMAN, et al.	
	US31	4,979,168		12-18-1990	COURTOIS, et al.	
	US32	5,020,093		05-28-1991	PIREH	
	US33					
	US34					
US35						
US36						
US37						
US38						
US39						
US40						
US41						
US42						
US43						
US44						
US45						

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
RF ↓	FP11	EP 0 303 020		02-15-1989	UEHARA	T ⁶
	FP12	EP 0 314 217		05-03-1989	COURTOIS, et al.	
	FP13	EP 0 319 219		06-07-1989	MURAI, et al.	

568249_1.DOC

Examiner Signature	/Roland Foster/	Date Considered	02/03/2007
--------------------	-----------------	-----------------	------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO				Complete if Known	
SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	90/007,617
				Filing Date	July 6, 2005
				First Named Inventor	L. Tymes
				Art Unit	3992
				Examiner Name	Roland G. Foster
Sheet	1	of	1	Attorney Docket Number	2319.065REX0

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published	T ²
RF	NPL33	LIN, Shu and COSTELLO, Daniel J., Jr., "ERROR CONTROL CODING: Fundamentals and Applications," Prentice-Hall, Inc., Englewoods Cliffs, NJ, 1983, pp. 458-465.	
	NPL34		
	NPL35		
	NPL36		
	NPL37		
	NPL38		
	NPL39		
	NPL40		
	NPL41		

568253_1.DOC

Examiner Signature	/Roland Foster/	Date Considered	02/03/2007
--------------------	-----------------	-----------------	------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.96. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				<i>Complete if Known</i>		
				Application Number	90/007,617	
Sheet		1	of	1	Filing Date	July 6, 2005
				First Named Inventor	L. Tymes	
				Art Unit	2616	
				Examiner Name	Hanh Nguyen	
				Attorney Docket Number	2319.065REX0	

U.S. PATENT DOCUMENTS						
Examiner Initials ¹	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)				
RF	US24	4,449,248		05/15/1984	LESLIE, et al.	
	US25					
	US26					
	US27					
	US28					
	US29					
	US30					
	US31					
	US32					
	US33					
	US34					
	US35					
	US36					
	US37					
	US38					
	US39					
	US40					
	US41					
	US42					
	US43					
	US44					
	US45					

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)					
RF	FP4	DE 3304451		10/1984	KAPPELLER		
	FP5	EP 0 131 662		01/23/1985	RODMAN		X
	FP6	JP 53-108310		09/21/1978	HORUMESU, et al.	Partial Translation Abstract Translation	
	FP7	JP 55-136733		10/24/1980	HARUO, et al.		
	FP8	JP 61-071738		04/12/1986	KENJI, et al.		
	FP9	JP 61-270930		12/01/1986	HIROSHI		
	FP10	JP 63-198438		08/17/1988	MASAKAZU, et al.		

534387_1.DOC

Examiner Signature	/Roland Foster/	Date Considered	02/03/2007
--------------------	-----------------	-----------------	------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. *Applicant's unique citation designation number (optional). * See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. * Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). * For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. * Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. * Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	90/007,617
				Filing Date	July 6, 2005
				First Named Inventor	L. Tymes
				Art Unit	2616
				Examiner Name	Hanh Nguyen
Sheet	1	of	1	Attorney Docket Number	2319.065REX0

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published	T ²
RF ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓	NPL26	Michael J. FERGUSON, "On the Control, Stability, and Waiting Time in a Slotted ALOHA Random-Access System", IEEE Transactions on Communication, November 1975, pp. 1300, 1308 and 1310.	
	NPL27	Certified Translation of German Patent No. DE 3304451, 21 pages (October 18, 1984 - Date of Publication of Patent).	
	NPL28	English Language Abstract of Japanese Patent Publication No. JP 53-108310, data supplied by espacenet, 1 page (September 21, 1978 - Date of Publication).	
	NPL29	English Language Abstract of Japanese Patent Publication No. JP 55-136733, data supplied by espacenet, 1 page (October 24, 1980 - Date of Publication).	
	NPL30	English Language Abstract of Japanese Patent Publication No. JP 61-071738, data supplied by espacenet, 1 page (April 12, 1986 - Date of Publication).	
	NPL31	English Language Abstract of Japanese Patent Publication No. JP 61-270930, data supplied by espacenet, 1 page (December 1, 1986 - Date of Publication).	
	NPL32	English Language Abstract of Japanese Patent Publication No. JP 63-198438, data supplied by espacenet, 1 page (August 17, 1988 - Date of Publication).	
	NPL33		
	NPL34		

534386_1.DOC

Examiner Signature	/Roland Foster/	Date Considered	02/03/2007
--------------------	-----------------	-----------------	------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

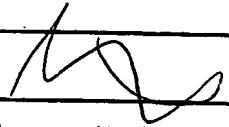
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Application Number	90/007,617
		Filing Date	July 6, 2005
		First Named Inventor	L. Tymes
		Art Unit	2616
		Examiner Name	Hanh Nguyen
Sheet	1	of	1
		Attorney Docket Number	2319.065REX0

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
R.C.F.	US1	3,251,034	05/10/1966	GOODE, et al.	
	US2	3,959,589	05/25/1976	von ROESGEN, et al.	
	US3	4,022,973	05/10/1977	STACKHOUSE, et al.	
	US4	4,197,500	04/08/1980	KLEIN, et al.	
	US5	4,418,277	11/29/1983	TREMMEL, et al.	
	US6	4,460,120	07/17/1984	SHEPARD, et al.	
	US7	4,477,809	10/16/1984	BOSE	
	US8	4,661,902	04/28/1987	HOCHSPRUNG, et al.	
	US9	4,673,805	06/16/1987	SHEPARD, et al.	
	US10	4,704,517	11/03/1987	CAMPISI, et al.	
	US11	4,736,095	04/05/1988	SHEPARD, et al.	
	US12	4,758,717	07/19/1988	SHEPARD, et al.	
	US13	4,792,947	12/20/1988	TAKIYASU, et al.	
	US14	4,807,222	02/21/1989	AMITAY	
	US15	4,807,261	02/21/1989	JOHNSON	
	US16	4,857,716	08/15/1989	GOMBRICH, et al.	
	US17	4,910,794	03/20/1990	MAHANY	
	US18	4,928,096	05/22/1990	LEONARDO, et al.	
	US19	4,933,953	06/12/1990	YAGI	
	US20	4,995,053	02/19/1991	SIMPSON, et al.	
	US21	5,006,996	04/09/1991	NAKAMURA, et al.	
	US22	5,010,241	04/23/1991	BUTTERWORTH	
	US23	5,046,066	09/03/1991	MESSENGER	
US24					
US25					

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ² Number ³ Kind Code ⁴ (if known)			
R.C.F.	FP1	EP 0075310	03/30/1983	Ulrich HEYLAND, et al.	T ⁶
	FP2	EP 0 131 663	01/23/1985	Takashi OKADA, et al.	
	FP3	WO 88/04496	06/16/1988	Allyson REED, et al.	
	FP4				

520794_1.DOC

Examiner Signature		Date Considered	2/3/07
--------------------	---	-----------------	--------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. *Applicant's unique citation designation number (optional). * See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. * Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). * For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. * Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. * Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO				<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	90/007,617
				Filing Date	July 6, 2005
				First Named Inventor	L. Tymes
				Art Unit	2616
				Examiner Name	Hanh Nguyen
Sheet	1	of	3	Attorney Docket Number	2319.065REX0

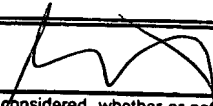
NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published	T ²
R.C.T.	NPL1	Leonard KLEINROCK, et al., "Packet Switching in Radio Channels: Part I - Carrier Sense Multiple-Access Modes and Their Throughput-Delay Characteristics", IEEE Transactions on Communications, Vol. Com-23., No. 12, December 1975, pp. 1400-1416.	
	NPL2	B.S. TSYBAKOV, et al., "Packet Transmission in Radio Networks", Reprinted with permission from Problemy Peredacti Informatsii, vol. 21, no. 1, pp. 80-101, Jan. - March 1985, pp. 330-341.	
	NPL3	Norman ABRAMSON, "The Throughput of Packet Broadcasting Channels", IEEE Transactions on Communication, January 1977, pp. 117-128.	
	NPL4	J.M. WOZENCRAFT, et al., "Coding for Two-Way Channels", Research Laboratory of Electronics and Lincoln Laboratory, Massachusetts Institute of Technology, pp. 11-25.	
	NPL5	Simon S. LAM, et al., "Packet Switching in a Multiaccess Broadcast Channel: Dynamic Control Procedures", Transactions on Communications, Vol. Com - 23, No. 9, September 1975, pp. 891-904.	
	NPL6	Michael J. FERGUSON, "On the Control, Stability, and Waiting Time in a Slotted ALOHA Random-Access System", IEEE Transactions on Communication, November 1975, pp. 1300, 1308 and 1310.	
	NPL7	J.J. SPILKER, Jr. Ph.D., "Digital Communications by Satellite", 1977, pp. 449-450, 452-453 and 468.	
	NPL8	John M. WOZENCRAFT, et al., "Coding For Two-Way Channels", Technical Report 383, January 3, 1961, pp. 1-16.	
	NPL9	Lawrence G. ROBERTS, "Extensions of Packet Communication Technology to a Hand Held Personal Terminal", Spring Joint Computer Conference, 1972, pp. 295-298.	
	NPL10	Mario TOKORO, et al., "Acknowledging Ethernet", pp. 1-6.	

Examiner Signature		Date Considered	2/3/07
--------------------	---	-----------------	--------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.
 This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	90/007,617
				Filing Date	July 6, 2005
				First Named Inventor	L. Tymes
				Art Unit	2616
				Examiner Name	Hanh Nguyen
Sheet	2	of	3	Attorney Docket Number	2319.065REXO

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume number, publisher, city and/or country where published	T ²
R.C.F.	NPL11	Robert E. KAHN, et al., "Advances in Packet Radio Technology", Proceeding of the IEEE, Volume 66, Number 11, pp. 1468-1496.	
	NPL12	R. BINDER, et al., "ALOHA Packet Broadcasting - A Retrospect", AFIPS Conference Proceedings, 1975 National Computer Conference, May 19 - 22, 1975, pp. 203-215.	
	NPL13	Norman ABRAMSON, "The ALOHA SYSTEM - Another Alternative for Computer Communications", AFIPS Conference Proceedings, Vol. 37, 1970 Fall Joint Computer Conference, Nov. 17 - 19, 1970, pp. 281-285.	
	NPL14	Richard BINDER, et al., "The Alohanet Menehune - Version 11", Sponsored by Advanced Research Projects Agency, ARPA Order No. 1956, September 1974, pp 1-55.	
	NPL15	Andrew S. TANENBAUM "Computer Networks" 2 nd Ed., Ch. 3, 1988, pp., 182-193.	
	NPL16	"Digital Terminals for Packet Broadcasting", AFIPS Conference Proceedings, 1975 National Computer Conference, May 19-22, 1975, pp. 254-261.	
	NPL17	MSI PRT Portable Radio Terminal, 2 pages.	
	NPL18	Norman ABRAMSON, "Packet Switching with Satellites", AFIPS Conference Proceedings, 1973 National Computer Conference and Exposition, Volume 42, June 4-8, 1973, pp. 695-702.	
	NPL19	Leonard KLEINROCK, et al., "Random Access Techniques for Data Transmission Over Packet-Switched Radio Channels", AFIPS Conference Proceedings, 1975 National Computer Conference, May 19-22, 1975, pp. 187-201.	
▽	NPL20	The Vectran VR1100 System: Your Link to Productivity, 11 pages.	
Examiner Signature			Date Considered
			2/3/07

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

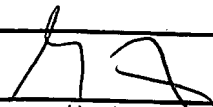
¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO				<i>Complete if Known</i>	
				Application Number	90/007,617
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Filing Date	July 6, 2005
				First Named Inventor	L. Tymes
				Art Unit	2616
				Examiner Name	Hanh Nguyen
				Attorney Docket Number	2319.065REX0
Sheet	3	of	3		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume number, publisher, city and/or country where published	T ²
RET	NPL21	Memorandum Order, Symbol Technologies, Inc. v. Proxim Incorporated, CA No. 01-801-SLR, July 30, 2003, pp. 1-7.	
	NPL22	Trial Transcript, Volume E, Symbol Technologies, Inc. V. Proxim Incorporated, C.A. No. 01-801-SLR, September 12, 2003, pp. 1055, 1056, 1092, 1208.	
	NPL23	English Abstract of EP0075310A: Circuit Arrangement for Telecommunication Exchanges, Especially Telephone Exchanges, with Devices for Securing the Transmission of Coded Signals.	
	NPL24	J.S.J. DAKA, et al., "A High Performance Broadcast File Transfer Protocol", SIGCOMM '88 Symposium, Communications Architectures & Protocols, 1988, pp. 274-281.	
	NPL25	S. CHOW, et al., "A Spread Spectrum Modem for Reliable Data Transmission in the High Frequency Band", Second Conference on HF Communication Systems and Techniques, February 15-17, 1982, pp. 125-130.	
	NPL26		
	NPL27		
	NPL28		
	NPL29		

Examiner Signature		Date Considered	2/3/07
--------------------	---	-----------------	--------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.
 This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

U.S. Department of Commerce, Patent and Trademark Office		Atty. Docket No.	Re-Exam Con No.:
		M-16056-RE US	Unassigned
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Applicant(s)	
(Use several sheets if necessary)		LaRoy Tymes	
		Re-Exam Date:	Group
		July 6, 2005	Unassigned

U.S. Patent Documents


*Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
RF	AA	4,479,261	23 Oct. 1984	Oda et al.			
↓	AB	4,720,710	19 Jan. 1988	Akahori et al.			
	AC	4,777,488	11 Oct. 1988	Carlman, Jr. et al.			
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

RF	AL	Memorandum Order; Symbol Technologies, Inc. v Proxim Incorporated; C.A. No. 01-801-SLR; pages 1-7.					
↓	AM	Binder et al. "ALOHA Packet Broadcasting: A Retrospect" AFIPS National Computer Conference Proceedings Volume 44 (May 19-22, 1975), pages 203-215.					
	AN	Fralick et al. "Digital Terminals for Packet Broadcasting" AFIPS National Computer Conference (NCC) Proceedings Volume 44 (May 19-22, 1975), pages 253-262.					
↓	AO	Kleinrock et al. "Packet Switching in Radio Channels: Part I - Carrier Sense Multiple-Access Modes and Their Throughput-Delay Characteristics," IEEE Transactions on Communications, Volume 23, No. 12, December 1975, pages 1400-1416.					
	AP						

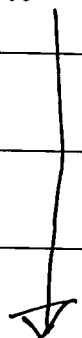
Examiner /Roland Foster/ Date Considered 02/03/2007

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with your communication to applicant.

Reexamination 	Application/Control No. 90/007,617	Applicant(s)/Patent Under Reexamination 5029183
	Certificate Date	Certificate Number

Requester **Correspondence Address:** **Patent Owner** **Third Party**

MACPHERSON KWOK CHEN & HEID LLP
 2033 GATEWAY PLACE
 SUITE 400
 SAN JOSE, CA 95110

LITIGATION REVIEW <input checked="" type="checkbox"/>	(examiner initials) r.g.f.	1/31/07 (date)
Case Name		Director Initials
Symbol Technologies, Inc. v. Ydi Wireless Inc. et al., U.S. District - Delaware, 1:05cv755, voluntary dismissal		<i>Walter for</i> 
Symbol Technologies, Inc. v. Intermec Technologies Corp., U.S. District - Delaware, 1:05cv147, voluntary dismissal		
Symbol Technologies v. Hand Held Products, et al., U.S. District - Delaware, 1:03cv102, voluntary dismissal		
Symbol Technologies v. Proxim Inc., U.S. District - Delaware, 1:01cv801, post-judgment settlement		

COPENDING OFFICE PROCEEDINGS	
TYPE OF PROCEEDING	NUMBER
1.	
2.	
3.	
4.	

Application Number



Application/Control No.

90/007,617

Examiner

Roland G. Foster

Applicant(s)/Patent under Reexamination

5029183

Art Unit

3992

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	2045	((455/434) or (455/435.1)).CCLS.	US-PGPUB; USPAT	OR	OFF	2007/02/03 18:33
L2	49	1 and @ad<"19910101"	US-PGPUB; USPAT	OR	ON	2007/02/03 18:33
L3	62	1 and @ad<"19920101"	US-PGPUB; USPAT	OR	ON	2007/02/03 18:33
S1	7	(base adj station) near3 cannot near3 initiate\$ near3 communication\$	US-PGPUB; USPAT	OR	ON	2007/01/26 11:29
S2	418	(base adj station) near3 initiate\$ near3 communication\$	US-PGPUB; USPAT	OR	ON	2007/01/26 11:31
S3	2890	(base adj station) same (power near2 (low or save))	US-PGPUB; USPAT	OR	ON	2007/01/26 11:32
S4	1311	(base adj station) near15 (power near2 (low or save))	US-PGPUB; USPAT	OR	ON	2007/01/26 11:32
S5	808	(base adj station) near5 (power near2 (low or save))	US-PGPUB; USPAT	OR	ON	2007/01/26 11:47
S6	2129	(bar adj code) and (base adj station)	US-PGPUB; USPAT	OR	ON	2007/01/26 11:48
S7	79	S6 and (save near3 power)	US-PGPUB; USPAT	OR	ON	2007/01/26 11:52
S8	2	(("4612637") or ("4479261")).PN.	US-PGPUB; USPAT	OR	OFF	2007/01/26 15:27
S9	4283	aloha	US-PGPUB; USPAT	OR	ON	2007/01/26 11:53
S10	786	aloha and satellite	US-PGPUB; USPAT	OR	ON	2007/01/26 12:20
S11	997	aloha and cellular	US-PGPUB; USPAT	OR	ON	2007/01/26 12:08
S12	1	("5029183").PN.	US-PGPUB; USPAT	OR	OFF	2007/01/26 12:04
S13	77	aloha and ((bar adj code) or "bar-cod")	US-PGPUB; USPAT	OR	ON	2007/01/26 12:05
S14	77	aloha and ((bar adj code) or "bar-code")	US-PGPUB; USPAT	OR	ON	2007/01/26 12:06
S15	102	aloha and wlan	US-PGPUB; USPAT	OR	ON	2007/01/26 12:09
S16	186	aloha and (wireless near2 (local adj area))	US-PGPUB; USPAT	OR	ON	2007/01/26 12:10
S17	855	aloha and (data near2 network)	US-PGPUB; USPAT	OR	ON	2007/01/26 12:10
S18	808	aloha and (base adj station)	US-PGPUB; USPAT	OR	ON	2007/01/26 12:29

EAST Search History

S19	62	(wireless adj network) and (polling near2 (base adj station))	US-PGPUB; USPAT	OR	ON	2007/01/26 12:39
S20	15	("3641433" "4247908" "4291409" "4409470" "4460120" "4475208" "4639914" "4672658" "4673805" "4736095" "4740792" "4758717" "4789983" "4829540" "4850009"). PN.	US-PGPUB; USPAT; USOCR	OR	ON	2007/01/26 12:31
S21	40	("3439320" "3715570" "3803571" "3848112" "3891980" "3898619" "4121574" "4209787" "4227258" "4274083" "4303910" "4337462" "4359631" "4411016" "4445028" "4456793" "4471165" "4471345" "4473884" "4476381" "4481382" "4483683" "4486624" "4488035" "4489313" "4491725" "4503288" "4508935" "4519066" "4523087" "4528444" "4569421" "4588881" "4593155" "4598275" "4625276" "4628193" "4634810" "4886624"). PN.	US-PGPUB; USPAT; USOCR	OR	ON	2007/01/26 12:34
S22	402	receiver near3 polls	US-PGPUB; USPAT	OR	ON	2007/01/26 13:02
S23	107	polls adj2 (base adj station)	US-PGPUB; USPAT	OR	ON	2007/01/26 13:04
S24	22212	wireless and pull	US-PGPUB; USPAT	OR	ON	2007/01/26 13:04
S25	323	wireless and (pull near5 base)	US-PGPUB; USPAT	OR	ON	2007/01/26 13:05
S26	4681	wireless and (time adj window)	US-PGPUB; USPAT	OR	ON	2007/01/26 13:05
S27	3191	wireless and (time adj window) and power	US-PGPUB; USPAT	OR	ON	2007/01/26 13:06
S28	126	wireless and ((time adj window) near5 receive) and power	US-PGPUB; USPAT	OR	ON	2007/01/26 13:06
S29	157	wireless and ((time adj window) near5 receive)	US-PGPUB; USPAT	OR	ON	2007/01/26 13:08
S30	1102487	delay adj after ad transmission	US-PGPUB; USPAT	OR	ON	2007/01/26 13:08
S31	1099374	(time adj (delay or window)) adj after ad transmission	US-PGPUB; USPAT	OR	ON	2007/01/26 13:08
S32	33	(time adj (delay or window)) adj after adj transmission	US-PGPUB; USPAT	OR	ON	2007/01/26 13:09
S33	56	(time adj (delay or window)) adj2 after adj transmission	US-PGPUB; USPAT	OR	ON	2007/01/26 13:10

EAST Search History

S34	7	(time adj (delay or window)) adj2 after adj transmitting	US-PGPUB; USPAT	OR	ON	2007/01/26 13:11
S35	2905	(time adj (delay or window)) and (bar adj code)	US-PGPUB; USPAT	OR	ON	2007/01/26 13:12
S36	2182	(time adj (delay or window)) and (bar adj code) and power	US-PGPUB; USPAT	OR	ON	2007/01/26 13:12
S37	2392	(time adj (delay or window)) and (data adj network) and power	US-PGPUB; USPAT	OR	ON	2007/01/26 13:12
S38	159	(time adj (delay or window)) and (wireless adj data adj network) and power	US-PGPUB; USPAT	OR	ON	2007/01/26 14:23
S39	10623	receiver same (power near (low or sav\$))	US-PGPUB; USPAT	OR	ON	2007/01/26 14:29
S40	795	receiver same (power near (low or sav\$) near mode)	US-PGPUB; USPAT	OR	ON	2007/01/26 14:41
S41	1	polling adj pager	US-PGPUB; USPAT	OR	ON	2007/01/26 14:42
S42	3	pager adj2 polls	US-PGPUB; USPAT	OR	ON	2007/01/26 14:42
S43	3	pager adj2 pulls	US-PGPUB; USPAT	OR	ON	2007/01/26 14:42
S44	2463	(time adj (window or period)) near5 transmi\$ near5 receiv\$	US-PGPUB; USPAT	OR	ON	2007/01/26 15:29
S45	1052	(time adj (window or period)) near3 transmi\$ near3 receiv\$	US-PGPUB; USPAT	OR	ON	2007/01/26 15:41
S46	117	scheduled adj data adj transmission	US-PGPUB; USPAT	OR	ON	2007/01/26 15:45
S47	110	raychaudhuri\$.in.	US-PGPUB; USPAT	OR	ON	2007/01/26 15:46
S48	1	("4774707").PN.	US-PGPUB; USPAT	OR	OFF	2007/01/26 15:47
S49	75	("3647975" "4063220" "4210780" "4234952" "4320500" "4332027" "4337465" "4380761" "4395710" "4408300" "4412326" "4476467" "4504946" "4514843" "4536874" "4542502" "4543574" "4550397" "4560984" "4592049" "4594706" "4598285" "4612637" "4641304" "4677615").PN. OR ("4774707").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2007/01/26 16:17
S50	1991	reservation adj protocol	US-PGPUB; USPAT; USOCR	OR	ON	2007/01/26 16:17
S51	5	S50 and @ad<"19910101"	US-PGPUB; USPAT; USOCR	OR	ON	2007/01/29 10:29

EAST Search History

S52	140	(conserve near5 power) near15 (base adj station)	US-PGPUB; USPAT; USOCR	OR	ON	2007/01/29 10:48
S53	5	S52 and @ad<"19910101"	US-PGPUB; USPAT; USOCR	OR	ON	2007/01/29 10:59
S54	58	low adj power adj base adj station	US-PGPUB; USPAT; USOCR	OR	ON	2007/01/29 10:56
S55	35322	(mobile adj station) or (cellular telephone) near5 (registration or registers)	US-PGPUB; USPAT; USOCR	OR	ON	2007/01/29 10:59
S56	1166	S55 and @ad<"19910101"	US-PGPUB; USPAT; USOCR	OR	ON	2007/01/29 10:59
S57	8948	((mobile adj station) or (cellular telephone)) near5 (registration or registers)	US-PGPUB; USPAT; USOCR	OR	ON	2007/01/29 11:01
S58	636	S57 and @ad<"19910101"	US-PGPUB; USPAT; USOCR	OR	ON	2007/01/29 11:02
S59	1704	((mobile adj station) or (cellular adj telephone) or (radio adj telephone) or radiotelephone) near5 (registration)	US-PGPUB; USPAT; USOCR	OR	ON	2007/01/29 11:02
S60	30	S59 and @ad<"19910101"	US-PGPUB; USPAT; USOCR	OR	ON	2007/01/29 11:18
S61	1	("4771448").PN.	US-PGPUB; USPAT	OR	OFF	2007/01/29 14:08
S62	1	("5029138").PN.	US-PGPUB; USPAT	OR	OFF	2007/01/29 14:09
S63	1	("5029183").PN.	US-PGPUB; USPAT	OR	OFF	2007/02/03 18:33
S64	1	("4771448").PN.	US-PGPUB; USPAT	OR	OFF	2007/02/03 13:27
S65	1	("4,777,488").PN.	US-PGPUB; USPAT	OR	OFF	2007/02/03 11:01
S66	1	("4,332,027").PN.	US-PGPUB; USPAT	OR	OFF	2007/02/03 13:49
S67	1	("4,587,661").PN.	US-PGPUB; USPAT	OR	OFF	2007/02/03 13:49

Index of Claims



Application/Control No.

90/007,617

Examiner

Roland G. Foster

Applicant(s)/Patent under Reexamination

5029183

Art Unit

3992

√	Rejected
=	Allowed

-	(Through numeral) Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date									
Final	Original	2/3/07									
	1	√									
	2	√									
	3	√									
	4	√									
	5	√									
	6	√									
	7	√									
	8	√									
	9	√									
	10	√									
	11	√									
	12	√									
	13	√									
	14	√									
	15	√									
	16	√									
	17	√									
	18	√									
	19	√									
	20	√									
	21	√									
	22	√									
	23	√									
	24	√									
	25	√									
	26	√									
	27	√									
	28	√									
	29	√									
	30	√									
	31	√									
	32	√									
	33	√									
	34	√									
	35	√									
	36	√									
	37	√									
	38	√									
	39	√									
	40	√									
	41	√									
	42	√									
	43	√									
	44	√									
	45	=									
	46	=									
	47	√									
	48	√									
	49	√									
	50	√									

Claim		Date									
Final	Original	2/3/07									
	51	√									
	52	√									
	53	√									
	54	√									
	55	√									
	56	√									
	57	√									
	58	=									
	59	=									
	60	√									
	61	√									
	62	√									
	63	√									
	64	√									
	65	√									
	66	√									
	67	√									
	68	√									
	69	=									
	70	=									
	71	=									
	72	=									
	73	=									
	74	=									
	75	=									
	76	=									
	77	=									
	78	=									
	79	=									
	80	=									
	81	=									
	82	=									
	83	=									
	84	=									
	85										
	86										
	87										
	88										
	89										
	90										
	91										
	92										
	93										
	94										
	95										
	96										
	97										
	98										
	99										
	100										

Claim		Date									
Final	Original										
	101										
	102										
	103										
	104										
	105										
	106										
	107										
	108										
	109										
	110										
	111										
	112										
	113										
	114										
	115										
	116										
	117										
	118										
	119										
	120										
	121										
	122										
	123										
	124										
	125										
	126										
	127										
	128										
	129										
	130										
	131										
	132										
	133										
	134										
	135										
	136										
	137										
	138										
	139										
	140										
	141										
	142										
	143										
	144										
	145										
	146										
	147										
	148										
	149										
	150										



Robert Greene Sterne
 Jorge A. Goldstein
 David K.S. Cornwell
 Robert W. Esmond
 Tracy-Gene G. Durkin
 Michele A. Cimbala
 Michael B. Ray
 Robert E. Sokohl
 Eric K. Steffe
 Michael Q. Lee
 John M. Covert
 Robert C. Millonig
 Donald J. Featherstone
 Timothy J. Shea, Jr
 Michael V. Messinger
 Judith U. Kim
 Patrick E. Garrett

Jeffrey T. Helvey
 Eldora L. Ellison
 Thomas C. Fiala
 Donald R. Banowitz
 Peter A. Jackman
 Jeffrey S. Weaver
 Brian J. Del Buono
 Mark Fox Evens
 Edward W. Yee
 Vincent L. Capuano
 Virgil Lee Beaston
 Theodore A. Wood
 Elizabeth J. Haanes
 Joseph S. Ostroff
 Daniel A. Klein
 Jason D. Eisenberg
 Michael D. Specht

Tracy L. Muller
 Jon E. Wright
 LuAnne M. DeSantis
 Ann E. Summerfield
 Helene C. Carlson
 Cynthia M. Bouchez
 Timothy A. Doyle
 Gaby L. Longworth
 Lori A. Gordon
 Laura A. Vogel
 Bryan S. Wade
 Bashir M.S. Ali
 Shannon A. Carroll
 Anbar F. Khal
 Michelle K. Holoubek
 Marsha A. Rose
 Young Tang

Christopher J. Walsh
 W. Blake Coblenz
 James J. Pohl*
 John T. Haran
 Mark W. Rygiel
 Kevin W. McCabe
 Michael R. Malek*
 Doyle A. Siever*
 Ulrike Winkler*

Scott M. Woodhouse
 Peter A. Socarras
 Jeffrey K. Mills
 Danielle L. Letting
 Lori Brandes
 Steven C. Oppenheimer

Of Counsel
 Edward J. Kessler
 Kenneth C. Bass III
 Marvin C. Guthrie

Registered Patent Agents*
 Karen R. Markowicz
 Matthew J. Dowd
 Katrina Yujian Pei Quach
 Bryan L. Skelton
 Robert A. Schwartzman
 Julie A. Heider
 Mita Mukherjee

*Admitted only in Maryland
 *Admitted only in Virginia
 *Practice Limited to
 Federal Agencies

Re-Exam

April 9, 2007

WRITER'S DIRECT NUMBER:
 (202) 772-8677
INTERNET ADDRESS:
 RSOKOHL@SKGF.COM

Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

Art Unit 3992

Attn: Mail Stop Ex Parte Reexam

Re: Reexamination of U.S. Patent No. 5,029,183
 Reexam Control No. 90/007,617; Filed: July 6, 2005
 For: **Packet Data Communication Network**
 Inventor: LaRoy TYMES
 Our Ref: 2319.065REX0

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Reply to Office Action in *Ex Parte* Reexamination;
2. Certification of Service on Third Party Requestor of Reply to Office Action; and
3. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Robert Sokohl
 Attorney for Patent Owner
 Registration No. 36,013

RES/LAG/mlb
 Enclosures
 662358_1.DOC



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re reexam of: U.S. Patent 5,029,183
LaRoy TYMES

Reexam Control No.: 90/007,617

Filed: July 6, 2005

For: **Packet Data Communication
Network**

Confirmation No.: 7501

Art Unit: 3992

Examiner: Foster, Roland G.

Atty.Docket: 2319.065REX0

Reply to Office Action in *Ex Parte* Reexamination

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action in *Ex Parte* Reexamination dated February 9, 2007, the Patent Owner submits the following Listing of Claims and Remarks.

It is not believed that extensions of time or other fees are required. However, if any fees are necessary to prevent abandonment of this application, then such fees are hereby petitioned and hereby authorized to be charged to our Deposit Account No. 19-0036.

Listing of the Patent Claims

A listing of the status of each claim under reexamination is provided below.

1. (original patent claim) A method of transmitting data packets from one of a plurality of remote terminal units to a base station, comprising the steps of:

(a) transmitting a data packet from said one unit to said base station during a first time period selected by the unit;

(b) receiving at said one unit from said base station an acknowledge signal during a second time period occurring only a fixed time delay after said first time period, said second time period being the same for at least some of said units.

2. (original patent claim) A method according to claim 1 wherein said step of transmitting is by an RF signal, and said step of receiving includes receiving an RF signal.

3. (original patent claim) A method according to claim 2 wherein said RF signal is of the spread spectrum type.

4. (original patent claim) A method according to claim 3 wherein said spread spectrum RF signal is of the direct sequence type.

5. (original patent claim) A method according to claim 1 wherein said transmitted data packet and said acknowledge signal each include identification of said remote terminal unit.

6. (original patent claim) A method according to claim 5 wherein said unit is one of a plurality of remote stations associated with the transmitter of said acknowledge signal.

7. (original patent claim) A method according to claim 6 wherein said remote stations are hand-held data-gathering units which include manual control elements.

8. (original patent claim) A method according to claim 6 wherein at least some of said remote stations include bar-code reading devices.

9. (original patent claim) A method according to claim 1 wherein said stations each include a processor executing instructions stored in a memory and said data packet and said acknowledge signal are both also stored in said memory in binary format.

10. (original patent claim) A method according to claim 9 wherein said data packet is encoded by said processor executing instructions, and said acknowledge signal is decoded by said processor executing instructions.

11. (original patent claim) A method according to claim 10 wherein said transmitted data packet and said acknowledge signal are RF signals of the direct sequence spread spectrum type.

12. (original patent claim) A method according to claim 11 wherein said acknowledge signal is transmitted by a second station which is one of a plurality of like second stations, and each one of said second stations is coupled for communication to a central computer.

13. (original patent claim) A method according to claim 12 including the step of sending data packets to said central computer from said second stations by a serial communications link.

14. (original patent claim) A method according to claim 1 wherein said acknowledge signal is transmitted by a second station which is one of a plurality of said second stations physically spaced from one another, and there are a plurality of said units for each said second station.

15. (original patent claim) A method according to claim 14 wherein each one of said units is identified by a unique code and said transmitted data packet includes said unique code, and said acknowledge signal also includes said unique code.

16. (original patent claim) A method according to claim 1 including the step of receiving at said unit prior to said step of transmitting said data packet to detect transmission by other like units.

17. (original patent claim) A method according to claim 16 wherein there are a plurality of said units, each identified by a unique code transmitted with said data packet and with said acknowledge signal.

18. (original patent claim) A method according to claim 17 wherein said units each include a processor executing instructions stored in a memory, and said acknowledge signal is first loaded to said memory and then decoded.

19. (original patent claim) A method according to claim 18 wherein at least some of said units include hand-held bar-code scanners or readers.

20. (original patent claim) A method according to claim 19 wherein at least some of said units include keyboard inputs and visual displays scanned by said processor.

21. (original patent claim) A system for transmitting data packets from one of a plurality of first stations to a second station, comprising:

(a) a transmitter in said one first station for transmitting a data packet from said one first station to the second station during a first time period selected by said one first station;

(b) a receiver in said one first station for receiving an acknowledge signal from the second station during a second time period occurring only in a time window referenced to said first time period by a fixed delay, said fixed delay being the same for all said plurality of first stations.

22. (original patent claim) A system according to claim 21 wherein said transmitted data packet is sent by an RF signal, and said acknowledge signal is an RF signal.

23. (original patent claim) A system according to claim 22 wherein said RF signal is of the spread spectrum type.

24. (original patent claim) A system according to claim 23 wherein said spread spectrum RF signal is of the direct sequence type.

25. (original patent claim) A system according to claim 21 wherein said transmitted data packet includes identification of said first station, and said acknowledge signal includes identification of said first station.

26. (original patent claim) A system according to claim 25 wherein said first station is one of a plurality of remote stations associated with said second station.

27. (original patent claim) A system according to claim 26 wherein said remote stations are hand-held data-gathering units which include manual control elements.

28. (original patent claim) A system according to claim 27 wherein said units each include a processor executing instructions stored in a memory.

29. (original patent claim) A system according to claim 28 wherein at least some of said units include bar-code scanners.

30. (original patent claim) A system according to claim 29 wherein at least some of said units include keyboard inputs and visual displays.

31. (original patent claim) A system according to claim 30 wherein said transmitted data packet and said acknowledge signal are RF signals of the direct sequence spread spectrum type.

32. (original patent claim) A system according to claim 31 wherein there are a plurality of said second stations, and a plurality of said first stations for each said second station.

33. (original patent claim) A system according to claim 32 wherein all of said plurality of second stations are coupled to a host station by a communication link.

34. (original patent claim) A system according to claim 33 wherein each of said second stations includes a decoder for decoding the data packet sent by a first station to produce digital data to send to said host station.

35. (original patent claim) A system according to claim 21 wherein the transmitter at said first station receives prior to transmitting said data packet to detect transmission by other stations.

36. (original patent claim) A system according to claim 35 wherein there are a plurality of said first stations, each identified by a unique code transmitted with said data packet and with said acknowledge signal.

37. (original patent claim) A system according to claim 36 wherein said first stations each include a processor executing instructions stored in a memory, and said acknowledge signal is first loaded to said memory and then decoded.

38. (original patent claim) A system according to claim 37 wherein at least some of said first stations include hand-held bar-code scanners.

39. (original patent claim) A system according to claim 38 wherein at least some of said units include keyboard inputs and visual displays scanned by said processor.

40. (original patent claim) A method of data transmission between a plurality of terminals and a base station, comprising the steps of:

(a) transmitting a data packet from one of said terminals to said base station at a time selected by said one of said terminals, the data packet including identification of

said one of the terminals; transmitting an acknowledgement from the base station to said one of said terminals in a predetermined time window, at least part of said predetermined time window being the same for all of said terminals, said acknowledgement including identification of said terminal;

(c) receiving said acknowledgement at said one terminal during said predetermined time window.

41. (original patent claim) A method according to claim 40 including the step of first receiving at said one terminal to detect transmission by another of said plurality of terminals, before transmitting said data packet.

42. (original patent claim) A method according to claim 40 wherein said transmitting is by wireless RF.

43. (original patent claim) A method according to claim 42 wherein said RF is modulated by the spread spectrum technique.

44. (original patent claim) A method according to claim 43 wherein said spread spectrum technique employs a sequence of frequency shifts between two frequencies.

45. (original patent claim) A method according to claim 44 including the steps of forming said data packet in a memory by expanding a multi-byte packet to create an expanded packet then producing in said memory an exclusive-OR of said expanded packet and a fixed pseudorandom sequence of bits.

46. (original patent claim) A method according to claim 45 wherein said multi-byte packet includes the results of reading a bar code symbol.

47. (original patent claim) A method according to claim 40 wherein said acknowledgement includes data to be transferred from said base station to said one terminal.

48. (original patent claim) A method according to claim 40 wherein said one terminal is responsive to transmission from said base station only during said time window.

49. (original patent claim) A method according to claim 48 wherein said time window has a starting point occurring a fixed time from the beginning of said transmitted data packet.

50. (original patent claim) A data communication system comprising:

(a) a host computer including a data communication input/output port;

(b) a plurality of base stations; each base station having a data communication input/output port; said data communication input/output ports of the host computer and at least one of said base stations being connected by a data communications link; each of the base stations having an RF transmitter/receiver responsive to received encoded RF signal packets and transmitting RF acknowledge signal packets; each of the base stations producing digital data corresponding to said received encoded RF signal packets, and storing said digital data for transferring to said host computer via said data communication input/output port and said data communications link;

(c) a plurality of remote units, each remote unit located for sending said encoded RF signal packets to one of said base stations at a time selected by the remote unit and receiving said RF acknowledge signal packets from one of said base stations in a fixed time window, each of the remote units having:

(i) a memory for storing data from a local data source, and a processor for

transferring data to and from the memory;

(ii) an RF transmitter/receiver having a modulator for modulating an outgoing carrier with data from said memory to produce said encoded RF signal packets, and a detector responsive to RF signals received by said RF transmitter/receiver to detect RF acknowledge signal packets from the base station in said fixed time window.

51. (original patent claim) A system according to claim 50 wherein at least some of said remote units are hand-held bar code readers and said local data source of each such remote unit produces decoded bar code data for loading to said memory under control of said processor.

52. (original patent claim) A system according to claim 50 wherein said RF signals are spread spectrum modulated signals of the direct sequence type.

53. (original patent claim) A system according to claim 50 wherein said communication link is a serial data link by which data packets are sent from base station to host computer or base station to base station, or sent from host computer to base station.

54. (original patent claim) A system according to claim 50 wherein said base stations receive said encoded RF signal packets only from a predetermined subset of said plurality of said remote units.

55. (original patent claim) A system according to claim 54 wherein said encoded RF signals include a header containing synchronizing signals followed by a block of data signals.

56. (original patent claim) A system according to claim 50 wherein each one of said remote units is identified by a unique identifying code contained in said encoded RF signals transmitted by the remote unit, and wherein said base stations are responsive to said unique identifying code to allow only one of the base stations to send said RF acknowledge signals to each separate remote unit.

57. (original patent claim) A system according to claim 56 wherein each one of said base stations is responsive to all of the encoded RF signals from all of the remote units within range, and detects the number of errors occurring in reception from each one of the remote units in said encoded RF signals.

58. (original patent claim) A system according to claim 57 wherein a representation of said number of errors is transmitted to other of said base stations via said communication link to specify the unique codes of remote units each base station is to be responsive to by sending said RF acknowledge signals, said information being derived from said representation of number of errors.

59. (original patent claim) A system according to claim 58 wherein at least some of said remote units are hand-held bar code readers.

60. (original patent claim) A data communication system comprising:

(a) at least one base station; each base station having an RF transmitter/receiver responsive to encoded RF signal packets and producing RF acknowledge packets; each base station decoding said encoded RF signal packets received by said RF transmitter/receiver and producing digital data corresponding thereto;

(b) a plurality of remote units each located for sending said encoded RF signal packets to at least one of said base stations and receiving said RF acknowledge

packets from one of said base stations, each of the remote units having:

(i) a data source, a memory for storing data from the data source, and a processor for transferring data to and from the memory;

(ii) an RF transmitter/receiver producing said encoded RF signal packets containing data from said memory and detecting said RF acknowledge packets from a base station to load data from detected packets to said memory, wherein said RF transmitter/receiver in said remote unit is activated for detecting an RF acknowledge packet only during a fixed time window following transmission of an encoded RF signal packet.

61. (original patent claim) A system according to claim 60 wherein said remote units are hand-held bar code readers or the like and said data source of each remote unit produces decoded bar code data.

62. (original patent claim) A system according to claim 60 wherein said RF signals are spread spectrum modulated signals of the direct sequence type.

63. (original patent claim) A system according to claim 60 wherein each said base station receives said encoded RF signal packets from a plurality of said remote units, and each RF signal packet includes a unique identifying code for a remote unit.

64. (original patent claim) A system according to claim 60 wherein said encoded RF signals include a header containing synchronizing signals followed by a block of data signals.

65. (original patent claim) A system according to claim 64 wherein each one of said remote units is identified by a unique identifying code contained in said header of

said encoded RF signal packets transmitted by the remote unit, and wherein each said base station is responsive to said unique identifying code for only predetermined ones of said plurality of remote units.

66. (original patent claim) A system according to claim 60 wherein said RF transmitter/receiver in said remote unit is activated by said processor for detecting said RF acknowledge packet only during a fixed time window following transmission of said encoded RF signal packet.

67. (original patent claim) A system according to claim 66 wherein said RF transmitter/receiver in a remote unit sends said RF signal packet only after receiving to detect any other RF signal from another remote unit which may be present.

68. (original patent claim) A system according to claim 67 wherein said base station decodes said RF signal packet while said RF signal packet is being received, and said remote unit decodes said RF acknowledge signal after said RF acknowledge signal has been received by accessing said memory via said processor.

69. (original patent claim) A system according to claim 68 wherein said base station decodes said RF signal packet by loading detected data corresponding to the signal serially into a register and decoding bits of said register in parallel.

70. (original patent claim) A method of receiving a direct sequence spread spectrum RF signal having a given chip rate, comprising the steps of:

(a) detecting the RF signal to produce an output correlated with modulation of the RF signal;

(b) sampling said output at a multiple of said chip rate to produce a plurality

of separate time-shifted data strings each at said chip rate;

(c) comparing each of said data strings with a binary code corresponding to that used for generating a chipping sequence of said RF signal.

71. (original patent claim) A method according to claim 70 including the step of storing said data strings in memory and wherein said step of comparing is by accessing said memory by a processor after said RF signal has been received.

72. (original patent claim) A method according to claim 70 including the step of loading all of said data strings into a shift register and wherein said step of comparing is by decoding bits of said shift register while said RF signal is being received.

73. (original patent claim) A method according to claim 71 wherein said steps are performed by a remote, hand-held, battery-operated unit.

74. (original patent claim) A method according to claim 73 wherein said RF signal is a packet of known maximum length, and said packet starts with a synchronizing signal.

75. (original patent claim) A method according to claim 74 wherein said steps of detecting, sampling and comparing are performed only in a time window established by an RF transmission from said unit.

76. (original patent claim) A method of operating a packet communications system, comprising the steps of:

(a) sending a data packet from a remote terminal to a base station and waiting to receive an acknowledgement from the base station;

(b) if an acknowledgement is not received, then sending a distress packet from said remote terminal;

(c) receiving said distress packet at a plurality of base stations, and, at each one of said base stations, sending a message to other of said base stations indicating the identity of said remote terminal and the quality of reception of said distress packet;

(d) at a base station, comparing said messages to select one of said base stations to be designated for communication with said remote terminal.

77. (original patent claim) A method according to claim 76 including the step of sending a packet to said remote terminal from said designated base station to acknowledge said distress signal.

78. (original patent claim) A method according to claim 77 wherein said packet is sent to said remote terminal after a predetermined time period has elapsed since said step of sending said distress signal.

79. (original patent claim) A method according to claim 77 wherein said remote terminal is responsive to said packet from said designated base station only during a fixed time window.

80. (original patent claim) A method according to claim 77 wherein said data packet, said distress packet and said acknowledge packet all contain an identifying code for said remote terminal.

81. (original patent claim) A method according to claim 76 wherein said steps of sending are by RF transmission.

82. (original patent claim) A method according to claim 81 wherein said RF

transmission employs spread spectrum modulation.

83. (original patent claim) A method according to claim 76 wherein only one of said base stations sends acknowledgement packets to said remote terminal.

84. (original patent claim) A method according to claim 83 wherein there are a plurality of said remote terminals.

Remarks

Claims 1-84 are currently pending in the reexamination proceeding of U.S. Patent No. 5,029,183 ("the '183 patent") with claims 1, 21, 40, 50, 60, 70, and 76 being independent claims. Based on the following remarks, the Patent Owner respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

I. Base Station

A. The Specification and Prosecution History of the '183 Patent Clearly, Deliberately, and Precisely Establishes a Special Definition for the Term "Base Station"

As described in Patent Owner's Reply filed on April 14, 2006 ("Patent Owner's Reply"), the specification and prosecution history of the '183 patent clearly, precisely, and deliberately give the term "base station" the special definition of a unit which cannot initiate data communications with a remote terminal unit so the remote terminal unit can minimize power consumption during a power save mode of operation. In the Office Action, the Examiner argues that this definition improperly reads a limitation from the written description into the claims. (Office Action, pp. 21-22)("Here, rather than pointing to a special definition in the specification, the Patent Owner instead points to embodiment(s) describing a base station that refrains from initiating data communications with a remote terminal")(emphasis in original). However, this is not a case of limiting the claims to a "preferred embodiment" of an invention that has been more broadly disclosed. The specification makes clear that a base station cannot initiate data communications with a remote terminal during a power saving mode of operation.

"Where the specification makes clear that the invention does not include a particular feature, that feature is deemed to be outside the reach of the claims of the patent, even though the language of the claims, read without reference to the specification, might be considered broad enough to encompass the feature in question." *SciMed Life Sys., Inc. v. Advanced Cardiovascular Sys., Inc.*, 242 F.3d 1337, 1341 (Fed. Cir. 2001).

In the current Office Action, the Examiner states that the phrase "so the remote terminal unit can minimize power consumption" in the Patent Owner's definition is merely an exemplary advantage of the claimed system. In support of this position, the Examiner states that "none of the embodiments cited by the Patent Owner in the Reply mention the advantage of minimizing power consumption, which is part of the 'special definition' proposed by the Patent Owner." (Office Action, p. 21). However, this phrase is not merely a recitation of an advantage of the base station; it defines a power saving mode in which the remote station and base station can operate. The specification and prosecution history deliberately define a power saving mode of operation in which a base station cannot initiate data communications with a remote terminal unit (*i.e.*, all data communications between the power saving remote terminal unit and base station take place at a time *selected* by the remote terminal unit).

As explained in the Background of the Invention, a major problem in WLAN protocols prior to 1989 (when the application for the '183 patent was filed) was that they be "addressable at any time, *i.e.*, always activated, so the requirements for power are dictated by this feature," require "continuous monitoring of the RF bands by all of the transceivers," and rely "upon continuous operation of the portable units." ('183 Patent, col. 1, lines 48-50; col. 2, lines 2-4; and col. 2, lines 17-20). Through these discussions,

the '183 patent distinguishes over the prior art systems having only a mode of operation in which a base station can initiate communications and as a consequence remote terminals in those conventional systems must have their receive functions activated at all times. *See SciMed Sys., Inc.*, 242 F.3d at 1341 ("the SciMed patents distinguish the prior art on the basis of the use of dual lumens and point out the advantages of the coaxial lumens used in the catheters that are the subjects of the SciMed patents. That discussion ... supports the .. conclusion that the claims should not be read so broadly as to encompass the distinguished prior art structure."); *Tronzo v. Biomet, Inc.*, 156 F.3d 1154, 1159 (Fed. Cir. 1998)(specification distinguished prior art as inferior and touted advantages of a conical shaped cup for use in an artificial hip device; "such statements make clear that the '589 patent discloses only conical shaped cups and nothing further."); *Ekchian v. Home Depot, Inc.*, 104 F.3d 1299, 1304 (Fed. Cir. 1997) ("Since, by distinguishing the claimed invention over the prior art, an applicant is indicating what the claims do not cover, he is by implication surrendering such protection.").

The Summary of the Invention stresses the power saving mode of the claimed invention stating that "[a] packet-exchange protocol is used for this communication link that provides *reduced power dissipation at the remote unit by activating the receive function for only a short time*, rather than requiring the remote unit to receive or "listen" at all times." ('183 Patent, col. 2, lines 61-64). This is accomplished by the remote unit initiating data communications at a time *selected* by the remote unit and receiving a response from the base station within a given time period.

The prosecution history further establishes the Patent Owner's definition of the term base station. Specifically, the applicant made arguments to the Examiner during prosecution which unambiguously set forth the meaning of the language of the claims.

In the Office Action, the Examiner appears to argue that the prosecution history of the '183 has no role in the interpretation of claims during a proceeding at the Patent Office.¹ However, the Examiner has provided no legal precedents to support his position. On the contrary, the Federal Circuit has designated the prosecution history as part of the "intrinsic evidence" used to interpret claims. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1317 (Fed. Cir. 2005). As discussed in *Phillips*, the prosecution history informs the meaning of the claim language by demonstrating how the inventor and the PTO understood the invention, and whether the inventor limited the invention in the course of applying for the patent, thereby narrowing the claim scope. *Id.* Despite the suggestion by the Examiner, any statements made by the Patent Owner during prosecution can serve to narrow the scope of a claim, regardless of whether the statements are "unilateral." See *Hockerson-Halberstadt, Inc. v. Avia Group Int'l, Ltd.*, 222 F.3d 951, 957 (Fed. Cir. 2000) ("The prosecution history constitutes a public record of the patentee's representations concerning the scope and meaning of the claims ... In the present case, the inventor's statements ... are part of the prosecution history and form the totality of the public record upon which competitors rely").

¹ The Examiner also appears to equate the use of prosecution history to interpret a claim term with the doctrine of prosecution history estoppel which limits the expansion of protection under the doctrine of equivalents. See *Spectrum Int'l, Inc. v. Sterilite Corp.*, 164 F.3d 1372, 1378 n.2 (Fed. Cir. 1998). However these two concepts are distinct. Because this is a reexamination proceeding, prosecution history estoppel is not at issue.

Patent Owner's Reply recited numerous examples of statements made by the Patent Owner in two separate papers to distinguish the current claims over various references by explaining that the references did not teach a system having a power saving mode of operation in which a base station cannot initiate data communications. (Patent Owner's Reply, pp. 22-23). Specifically, the Patent Owner stated:

The remote units need not be receiving and decoding data at all times (as is true in the Waggener reference) but instead can be idle (for power saving purposes) except when they send, then receive in a fixed window (Amendment dated October 16, 1990 at p. 6)

The Sidhu et al patent 4,689,786 shows a local area network of the Ethernet type using collision sense, multiple access techniques ... In contrast, the applicant's system is concerned with battery life, so the remote stations can receive only after they have initiated an exchange; *a base station cannot initiate a message exchange with a remote station.* (Supplemental Information Disclosure Statement filed March 26, 1991, p. 2)(emphasis added)

The Toyonaga et al patent 4,689,785 discloses a data transmission system in which a number of stations A, B, C are connected by a bus line BL ... The system differs from applicant's in that *any station can receive at any time, rather than remote stations only receiving after transmitting, and a base station that cannot initiate transmission to a remote.* (*Id.*)(emphasis added)

In each of the prior art references distinguished by the applicant, the remote unit was able to initiate data communications with the base station (as in Koohgoli, et al). However, applicant argued that none taught (just like Koohgoli, et al) a mode of operation wherein the base station could not initiate data communications with the remote unit. To construe the claims as only requiring the remote unit to be able to

initiate data communications with the base station, would simply ignore the file history and the unequivocal statements of claim meaning made by the applicant.

B. The Claim Construction Order Made By The District Court In The Proxim Litigation Is Relevant

The Examiner appears to disregard the claim construction ruling by the Honorable Chief Judge Sue L. Robinson made during the Symbol Technologies, Inc. v. Proxim, Inc. litigation ("the Proxim litigation") in the District Court for the District of Delaware.

In the discussion of the claim construction ruling by the Honorable Chief Judge Robinson, the Examiner states that the claim construction ruling "does not appear to be in agreement with the special definitions advanced by the Patent Owner in the Reply and in the Interview Summary." (Office Action, p. 25)(emphasis in original). Specifically, the Examiner states that "[n]othing is stated about the remote unit minimizing power consumption. The court's statement that the 'question you must answer in connection with the asserted claims is whether the accused products, in their power save mode, meet each limitation of such claims" (p. 24 of the Reply) refers to a special mode that an accused device operates under, during which time it operates in a manner that allegedly infringes the claims of the Tymes patent. It does not follow that the claims of the Tymes patent must therefore be interpreted to require the power saving mode of the accused device" (Office Action, pp. 25-26). Patent Owner respectfully submits that the Examiner has misunderstood this quote.

During the trial, the Court was asked to clarify the construction for base station. The Court agreed and included the modified version of the claim construction in the jury instructions quoted above. Thus, the Court's statement represents a clarification to the

claim constructions set forth by the court in its Claim Construction order to incorporate the concept of a power saving mode of operation.

Accordingly, the claim construction ruling by the Honorable Chief Judge Robinson in the Proxim litigation, as modified by the court's jury instructions of July 30, 2003, is in complete agreement with the special definition of the term "base station" set out by the Patent Owner in the specification and prosecution history.

II. Claim Rejections

A. Rejection Under §102(e) Over Koohgoli, et al

In the Office Action, claims 1, 2, 5-7, 9, 10, 14-18, 21, 22, 25-28, 35-37, 40-42, 47-50, 53, 54, 56, 57, 60, 63, and 66-69 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 4,771,448 ("Koohgoli"). The Patent Owner respectfully traverses this rejection.

For a prior art reference to anticipate the claimed invention, it must disclose each and every element as set forth in the claim. *See Finnigan Corp. v. United States Int'l Trade Comm'n*, 180 F.3d 1354, 1365-66 (Fed. Cir. 1999). The requirements of strict identity between the claim and the prior art reference, is not met if a single element or limitation required by the claim is missing from the prior art source. *See Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707,716 (Fed. Cir. 1984).

Koohgoli does not teach or even suggest a system or a method having a power saving mode of operation in which a base station cannot initiate data communications with a remote terminal as is required by the recitation of base station in independent claims 1, 40, 50 and 60 and the recitation of second station in independent claim 21.

In the Office Action, the Examiner states that "[a]lthough the unclaimed limitation 'base station unit cannot initiate data communications with a remote terminal so the remote terminal unit can minimize power consumption' should not be read into the claim term 'base station' ... U.S. Patent No. 4,771,448 (the 'Koohgoli' patent) nonetheless teaches a [this] feature. Specifically, Koohgoli teaches that the remote terminals (portables 16) must register with the base station before the base station communicates with them (col. 10, ll. 16-68). That is, the base station receives registration signals transmitted by the remote terminals in order to develop a constantly updated list of remote terminals that are currently within radio reach of the base station (i.e., 'resident portables'). Id." (Office Action, pp. 26-27).

Koohgoli however describes that once a portable 16 has registered with a base station 13, that base station 13 can initiate communication with the portable. For example, in the case of call reception, a base station 13 initiates communication with a portable by transmitting a radio ringing message. (Koohgoli, col. 10, lines 45-68). Base stations in Koohgoli are specifically designed to initiate communication with registered portables.

Thus, Koohgoli does not teach or even suggest a system or a method having a power saving mode of operation in which a base station cannot initiate data communications with a remote terminal as is required by the recitation of base station in independent claims 1, 40, 50 and 60 and the recitation of second station in independent claim 21.

For at least these reasons, independent Original Patent Claims 1, 21, 40, 50, and 60 are patentable over Koohgoli. Claims 2, 5-7, 9, 10, and 14-18 depend from claim 1;

claims 22, 25-28, and 35-37 depend from claim 21; claims 41, 42, and 47-49 depend from claim 40; claims 53, 54, 56, and 57 depend from claim 50; and claims 63 and 66-69 depend from claim 60. For at least these reasons and further in view of their own features, dependent claims 2, 5-7, 9, 10, 14-18, 22, 25-28, 35-37, 41, 42, 47-49, 53, 54, 56, 57, 63 and 66-69 are patentable over Koohgoli. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

B. Rejection Under §103 Over Koohgoli

In the Office Action, claims 3, 4, 8, 11, 12, 13, 19, 20, 23, 24, 29, 30-34, 38, 39, 43, 51, 52, 61, and 62 were rejected under 35 U.S.C. §103(a) as being unpatentable over Koohgoli. The Patent Owner respectfully traverses this rejection.

Claims 3, 4, 8, 11, 12, 13, 19, and 20 depend from claim 1; claims 23, 24, 29, 30-34, 38, and 39 depend from claim 21; claim 43 depends from claim 40; claims 51 and 52 depend from claim 50 and claims 61 and 62 depend from claim 60. As discussed above, Koohgoli does not teach or suggest each and every element of independent Original patent claims 1, 21, 40, 50, and 60. For at least these reasons, and further in view of their own features, dependent claims 3, 4, 8, 11, 12, 13, 19, 20, 23, 24, 29, 30-34, 38, 39, 43, 51, 52, 61, and 62 are patentable over Koohgoli. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

C. Rejection Under §103 Over Koohgoli in view of Carlman, Jr., et al and further in view of Malcolm

In the Office Action, claims 55, 64, and 65 were rejected under 35 U.S.C. § 103 as being unpatentable over Koohgoli in view of Carlman, Jr., *et al*, U.S. Patent No. 4,777,488 (Carlman) and further in view of Malcolm, et al, U.S. Patent No. 4,332,027 (Malcolm). The Patent Owner respectfully traverses this rejection.

Claim 55 depends from claim 50 and claims 64 and 65 depend from claim 60. Independent claims 50 and 60 are distinguished from Koohgoli for the reasons set forth above. Neither Carlman nor Malcolm adds anything to Koohgoli to overcome the deficiencies of Koohgoli relative to independent claims 50 and 60 described above. Like Koohgoli, Carlman and Malcolm, alone or in combination, not teach or even suggest a system or method having a power saving mode of operation in which a base station cannot initiate data communications with a remote terminal. For at least these reasons and further in view of their own features, dependent claims 55, 64, and 65 are patentable over the combination of Koohgoli, Carlman, and Malcolm.

D. Rejection Under §103 Over Koohgoli and Shiff

In the Office Action, claim 44 was rejected under 35 U.S.C. § 103 as being unpatentable over Koohgoli in view of Shiff, U.S. Patent No. 4,587,661 (Shiff). The Patent Owner respectfully traverses this rejection.

Claim 44 depends from claim 40. Independent claim 40 is distinguished from Koohgoli for the reasons set forth above. Shiff adds nothing to Koohgoli to overcome the deficiencies of Koohgoli described above. Like Koohgoli, Shiff does not teach or even suggest a system or method having a power saving mode of operation in which a base station cannot initiate data communications with a remote terminal.

For at least these reasons and further in view of its own features, dependent claim 44 is patentable over the combination of Koohgoli and Shiff.

III. Patentable Subject Matter

The Patent Owner acknowledges with appreciation the Examiner's indication that claims 45, 46, 58, 59, and 69-84 are patentable.

IV. Related Proceedings

Claims 1, 16, 21, 35, and 40-41 of the '183 patent were the subject of prior litigation in the United States District Court for the District of Delaware, *Symbol Technologies, Inc. v. Proxim, Incorporated*, Civil Action No. 1:01-cv-00801-SLR. The Proxim litigation was settled following a jury verdict finding infringement by Proxim.

The '183 patent was previously asserted in United States District Court for the District of Delaware, *Symbol Technologies, Inc. v. Intermec Technologies Corporation*, Civil Action No. 1:05-cv-00147-SLR. The Intermec litigation was settled prior to trial.

The '183 patent was also previously asserted in two additional litigations in United States District Court for the District of Delaware: *Symbol Technologies, Inc. v. Hand Held Products*, Civil Action No. 1:03-cv-00102, filed January 21, 2003 and *Symbol Technologies, Inc. v. YDI Wireless Inc., et al*, Civil Action No. 1:05-cv-00755, filed October 28, 2005. Both litigations ended in settlement.

V. Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. The Patent Owner therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. The Patent Owner believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present reexamination proceeding is in condition for a Notice of Intent to Issue a Reexamination Certificate. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert Sokohl
Attorney for Patent Owner
Registration No. 36,013

Date: 4/9/07

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

662200_1.DOC

Patent Under Reexamination: 5,029,183
Reexamination Control No.: 90/007,617
Examiner: Roland G. Foster
Art Unit: 3992

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CERTIFICATION OF SERVICE OF REPLY TO OFFICE ACTION

In compliance with 37 C.F.R. § 1.550(f), the undersigned, on behalf of the patent owner, hereby certifies that a copy of this paper has been served on the third-party requester by first class mail on April 9, 2007. The name and address of the party served is as follows:

Edward C. Kwok
Macpherson, Kwok, Chen, & Heid LLP
1762 Technology Drive Suite 226
San Jose, CA 95110

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert Sokohl
Attorney for Patent Owner
Registration No. 36,013

Date: April 9, 2007

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

Reexam

**Sterne Kessler
Goldstein Fox**
ATTORNEYS AT LAW



Robert Greene Sterne
Jorge A. Goldstein
David K.S. Comwell
Robert W. Esmond
Tracy-Gene G. Durkin
Michele A. Cimbala
Michael B. Ray
Robert E. Sokohl
Eric K. Steffe
Michael Q. Lee
Steven R. Ludwig
John M. Covert
Linda E. Homer
Robert C. Millonig
Donald J. Featherstone
Timothy J. Shea, Jr
Michael V. Messinger
Judith U. Kim

Patrick E. Garrett
Jeffrey T. Helvey
Heidi L. Kraus
Eldora L. Ellison
Thomas C. Fiala
Donald R. Banowitz
Peter A. Jackman
Jeffrey S. Weaver
Brian J. Del Buono
Edward W. Yee
Vincent L. Capuano
Virgil Lee Beaston
Theodore A. Wood
Elizabeth J. Haanes
Joseph S. Ostroff
Frank R. Cottingham
Rae Lynn P. Guest
Daniel A. Klein

Jason D. Eisenberg
Michael D. Specht
Tracy L. Muller
Jon E. Wright
LuAnne M. DeSantis
Ann E. Summerfield
Helene C. Carlson
Cynthia M. Bouchez
Timothy A. Doyle
Gaby L. Longworth
Lori A. Gordon
Laura A. Vogel
Bryan S. Wade
Bashir M.S. Ali
Shannon A. Carroll
Matthew E. Kelley
Michelle K. Holoubek
Marsha A. Rose

Young Tang
Christopher J. Walsh
W. Blake Coblenz*
James J. Pohl*
John T. Haran*
Mark W. Rygiel
Kevin W. McCabe

Registered Patent Agents*
Karen R. Markowicz
Matthew J. Dowd
Katrina Yujian Pei Quach
Bryan L. Skelton
Robert A. Schwartzman
Victoria S. Rutherford
Simon J. Elliott
Julie A. Heider
Mita Mukherjee

Scott M. Woodhouse
Liliana Di Nola-Baron
Peter A. Socarras
Jeffrey K. Mills
Danielle L. Letting
Lori Brandes
Steven C. Oppenheimer

Of Counsel
Edward J. Kessler
Kenneth C. Bass III
Marvin C. Guthrie

*Admitted only in Maryland
*Admitted only in Virginia
*Practice Limited to
Federal Agencies

April 16, 2007

WRITER'S DIRECT NUMBER:
(202) 772-8677
INTERNET ADDRESS:
RSOKOHL@SKGF.COM

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 3992

Attn: Mail Stop Ex Parte Reexam

Re: Reexamination of U.S. Patent No. 5,029,183
Reexam Control No. 90/007,617; Filed: July 6, 2005
For: **Packet Data Communication Network**
Inventor: LaRoy TYMES
Our Ref: 2319.065REX0

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Third Supplemental Information Disclosure Statement;
2. Certification of Service on Third Party Requestor of Third Supplemental Information Disclosure Statement;
3. One (1) sheet of Form PTO/SB/08A listing one (1) document; and
4. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Robert Sokohl
Attorney for Patent Owner
Registration No. 36,013

RES/LAG/mlb
Enclosures
665113_1.DOC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re reexam of: U.S. Patent 5,029,183
LaRoy TYMES
Reexam Control No.: 90/007,617
Filed: July 6, 2005
For: **Packet Data Communication
Network**

Confirmation No.: 7501
Art Unit: 3992
Examiner: Foster, Roland G.
Atty. Docket: 2319.065REX0

Third Supplemental Information Disclosure Statement

Mail Stop Ex Parte Reexam

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO/SB/08A is a document that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.555 and 1.98.

Applicant has listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent

application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

In accordance with 37 C.F.R. § 1.98(a)(2), no copy of the U.S. patent cited on the attached IDS Forms is submitted.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this reexamination proceeding that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert Sokohl
Attorney for Applicant
Registration No. 36,013

Date: 4/16/07

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

662365_2.DOC

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO				Complete if Known	
THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Reexam Control No.	90/007,617
				Filed	July 6, 2005
				Applicant	LaRoy TYMES
				Art Unit	3992
				Examiner Name	Foster, Roland G.
Sheet	1	of	1	Attorney Docket Number	2319.065REX0

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM/YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	US1	4,291,410	09/1981	Caples <i>et al.</i>	
	US2				
	US3				
	US4				
	US5				
	US6				
	US7				
	US8				
	US9				
	US10				
	US11				
	US12				
	US13				
	US14				
	US15				
	US16				
	US17				
	US18				
	US19				
	US20				

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM/YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	FP1					T ⁶
	FP2					
	FP3					
	FP4					
	FP5					
	FP6					
	FP7					
	FP8					
	FP9					

665115_1.DOC

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS

Patent Under Reexamination: 5,029,183
Reexamination Control No.: 90/007,617
Examiner: Foster, Roland G.
Art Unit: 3992

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


CERTIFICATION OF SERVICE OF THIRD SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT

In compliance with 37 C.F.R. § 1.550(f), the undersigned, on behalf of the patent owner, hereby certifies that a copy of this paper has been served on the third-party requester by first class mail on April 16, 2007. The name and address of the party served is as follows:

Edward C. Kwok
Macpherson, Kwok, Chen, & Heid LLP
1762 Technology Drive Suite 226
San Jose, CA 95121

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert E. Sokohl
Attorney for Patent Owner
Registration No. 36,013

Date: 4/16/07
1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600
662365_2.DOC

Atty. Dkt. No. 2319.065REX0

Application Number



Application/Control No.

90/007,617

Examiner

Roland G. Foster

Applicant(s)/Patent under Reexamination

5029183

Art Unit

3992



THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS

9/21/07

Edward C. Kwok

MACPHERSON KWOK CHEN & HEIDI LLP

1762 Technology Drive, Suite 226

San Jose, CA 95110

***EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO 90/007617

PATENT NO. 5,029,183

ART UNI 3992

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified ex parte reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the ex parte reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
90/007,617	07/06/2005	5029183	2319.065REX0	7501

26111 7590 09/21/2007

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 09/21/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action in Ex Parte Reexamination	Control No. 90/007,617	Patent Under Reexamination 5029183	
	Examiner Roland G. Foster	Art Unit 3992	

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

- a Responsive to the communication(s) filed on 09 April 2007. b This action is made FINAL.
c A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire 2 month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c)**. If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

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

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 3. <input type="checkbox"/> Interview Summary, PTO-474. |
| 2. <input checked="" type="checkbox"/> Information Disclosure Statement, PTO/SB/08. | 4. <input type="checkbox"/> _____. |

Part II SUMMARY OF ACTION

- 1a. Claims 1-84 are subject to reexamination.
1b. Claims _____ are not subject to reexamination.
2. Claims _____ have been canceled in the present reexamination proceeding.
3. Claims 45,46,58,59 and 69-84 are patentable and/or confirmed.
4. Claims 1-44,47-57 and 60-68 are rejected.
5. Claims _____ are objected to.
6. The drawings, filed on _____ are acceptable.
7. The proposed drawing correction, filed on _____ has been (7a) approved (7b) disapproved.
8. Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some* c) None of the certified copies have
 1 been received.
 2 not been received.
 3 been filed in Application No. _____.
 4 been filed in reexamination Control No. _____.
 5 been received by the International Bureau in PCT application No. _____.
* See the attached detailed Office action for a list of the certified copies not received.
9. Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11, 453 O.G. 213.
10. Other: _____

cc: Requester (if third party requester)

Reexamination

Summary

The reply, filed on April 9, 2007, (the "Reply") has been duly considered but is not deemed persuasive to overcome the prior rejections. See the "Response to Arguments" section below for additional details. Thus, the rejections, set forth in the non-final Office action, mailed February 9, 2007, is repeated below and accordingly, this Office action is made final. See MPEP § 706.07 and § 2271.

Claim Rejections

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:

(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.

Claims 1, 2, 5-7, 9, 10, 14-18, 21, 22, 25-28, 35-37, 40-42, 47-50, 53, 54, 56, 57, 60, 63, and 66-69 are rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 4,771,448 ("Koohgoli"), of record.

Regarding **claims 1, 5, 21, 25, 26, 40, and 47:**

1. A method of transmitting data packets from one of a plurality of remote terminal units to a base station, comprising the steps of:

Art Unit: 3992

(a) transmitting a data packet from said one unit to said base station during a first time period selected by the unit;

(b) receiving at said one unit from said base station an acknowledge signal during a second time period occurring only a fixed time delay after said first time period, said second time period being the same for at least some of said units.

Before applying Koohgoli to claim 1, it is helpful to consider claim 1 in view of Patent Owner's specification. Patent Owner's specification teaches that data packets are transmitted from the remote unit during a first time period t_2 (Fig. 2 and col. 5, ll. 40-61), immediately after which the remote unit "begins listening for the return packet...from the base station" during a second time period occurring a fixed time delay (t_3) after the first period (Figs. 2, 11A, 11B, and col. 5, ll. 58-61). Consider Figure 1 below.

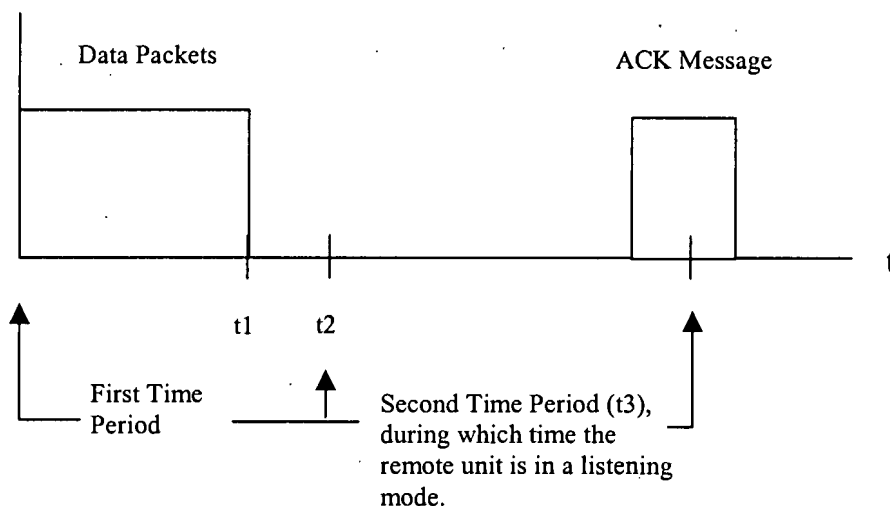


Figure 1. Claim 1 in View of Patent Owner's Specification.

Similarly, and as to be discussed in detail below, Koohgoli teaches that data packet(s) (a REQ message) are transmitted from the remote unit during a first time period, defined as the time TL1 plus the time required to transmit the REQ message, immediately after which the remote unit goes into a listening mode during a second time period occurring a fixed time delay (TL2) after the first time period.

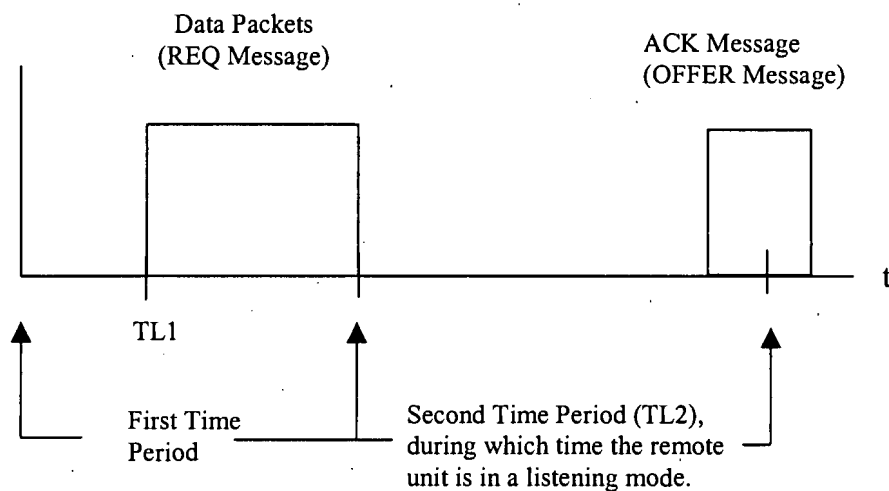


Figure 2. Claim 1 as Applied to Koohgoli

Specifically regarding claim 1, Koohgoli teaches, in Fig. 3, a method of transmitting data packets from one of a plurality of remote terminal units (a portable unit 16, which is also a data terminal, col. 6, ll. 27-31) to a base station (base station 13), comprising the steps of transmitting a data packet from the one unit to the base station during a first time period selected by the unit. In particular, the portable unit 16 transmits a message, such as a request ("REQ") message (data packet) (col. 7, ll. 48-67), from the portable unit 16 to the base station 13 during the a first time

Art Unit: 3992

period comprised by the time TL1 plus the time required to transmit the message (col. 11, line 62 – col. 12, line 2). The remote unit (portable unit 16) assigns TL1 to a random value TR (col. 11, ll. 64-68), thus the remote unit selects TL1. Because the first time period is TL1 plus the time required to transmit the REQ data packets, the remote unit therefore also selects the length of the first time period.

Koohgoli also teaches receiving at said remote terminal unit (portable unit 16) from the base station an OFFER message, which is transmitted by the base station in recognition of the previously received REQ message (col. 8, ll. 1-40) and where the remote terminal expects and processes such a response (col. 8, ll. 41-68). Thus, the OFFER message is an acknowledgement signal.

The acknowledgement signal (OFFER message) is received at the remote unit (portable 16) during a second time period occurring only a fixed time delay TL2 after the first time period, during which time the remote unit (portable unit 16) goes into a listening mode waiting for the acknowledgement signal (col. 12, ll. 3-20).

The second time period is preferably 2000 microseconds (col. 12, ll. 21-25), which would be the same for all the remote terminal units (portables 16) (col. 6, ll. 27-31).

Claim 21 differs substantively from claim 1 in that claim 21 recites a system comprising components that implements the steps recited in the method of claim 1. Therefore, see the claim

Art Unit: 3992

1 rejection for additional details. Furthermore, data is transferred from the base station to the remote terminal unit via a radio frequency ("RF") communications channel (col. 6, ll. 43-50), thus a "transmitter" is inherent to a base station 13 and a "receiver" is inherent to a portable, remote unit (portable unit 16).

Claim 40 differs substantively from claim 1 in that claim 40 recites that the data packet includes the identification ("ID") of the terminal and that the acknowledgement signal includes the ID of the terminal. Koohgoli further teaches that the data packet (REQ message) includes the ID of the terminal (ID of portable unit 16) (col. 7, l. 60-62) and that the acknowledgement signal (OFFER message) includes the ID of the terminal (portable unit 16) as well as base station 13 (col.8, lines 20-23).

Claims 50 and 60 differ substantively from the claims discussed above in the following manner. The subject claims recites a "host computer," which reads on switch 11, which is a computer-based switch, such as an SL-100 (Northern Telecom) private branch exchange (col. 5, ll. 47-51).

The claims also recite a variety of "input/output ports", however the term "port" is a broad term that means a hardware interface that connects one computer device to another. Koohgoli teaches that all computer devices are connected to each other (Figs. 1 and 2) and thus the computer devices of Koohgoli comprise input/output ports wherever they connect together.

Art Unit: 3992

The subject claims also recite that the base stations also include an "RF transmitter/receiver responsive to received encoded RF signal packets and transmitting RF acknowledge signal packets." As discussed above, Koohgoli teaches that the base station detects REQ data packets and transmits acknowledge (OFFER) data packets over a radio frequency ("RF") channel. See also col. 6, ll. 43-50. Thus, the base station includes an RF transmitter and receiver. See also the claim 21 rejection. Furthermore, Koohgoli teaches that the transmitted packet received at the base station and the acknowledge signal sent by the base station are coded into and decoded from the appropriate protocols radio protocols, e.g., "unslotted ALOHA type" with carrier sense" (col. 7, ll. 50-55). Thus, the base station performs coding/decoding to and from the radio channel.

The subject claims also recite that the remote units include a "memory for storing data from a local data source, and a processor for transferring data to and from the memory." The remote terminal unit (portable unit 16) in Koohgoli is a computer-based system (see, e.g., col. 6, ll. 26-31) and thus includes a processor that implements the functions of the remote terminal unit and a memory to store binary data that the processor fetches instructions and data received and/or transmitted from the local data source (or from the RF channel) would also be, at least temporarily, stored and/or buffered in computer memory before being processed by the processor.

The subject claims also recite that the remote unit includes an "RF transmitter/receiver" for performing various functions (e.g., transmitting encoded data packets, detecting an

Art Unit: 3992

acknowledge signal packet from the base station in a fixed time window) previously addressed above. Thus, the remote terminal unit includes the recited means for transmitting encoded packets and a detector. The subject claims also recite that the remote terminal unit includes a "modulator for modulating an outgoing carrier." The remote unit includes an RF transmitter/receiver for the same reasons that the base station also includes an RF transmitter/receiver, which was discussed extensively above. See also the claim 21 rejection. The remote terminal unit (portable unit 16) also modulates a carrier frequency (col. 12, ll. 3-10) and thus would include a modulator.

Regarding **claims 2, 22, and 42**, Koohgoli discloses the transmitting and receiving steps are by RF signals. See the claims 1, 12, and 50 rejections above. Therefore, the transmitting and receiving steps are performed by RF signals.

Regarding **claims 5 and 25**, see the claim 40 rejection for additional details.

Regarding **claim 6**, see the claim 1 rejection for additional details.

Regarding **claims 7 and 27**, Koohgoli discloses the remote stations are hand-held data gathering units, which include manual control elements and where each remote unit 16 is capable of receiving/transmitting voice/data by the manual placement/reception of a calls (col.6, lines 30-42).

Art Unit: 3992

Regarding **claim 9**, the base station in Koohgoli is a computer-based system and thus includes a processor that implements the functions of the base station device and a memory to store binary data that the processor fetches instructions and data from. Transmitted and received data packets would also be, at least temporarily, stored and/or buffered in the computer memory.

Regarding **claim 10**, Koohgoli teaches that both the transmitted packet received at the base station and the acknowledge signal sent by the base station are coded into and decoded from the appropriate protocols radio protocols, e.g., "unslotted ALOHA type" with carrier sense" (col. 7, ll. 50-55). Thus, a processor in the base station, which implements the functions of the base station device, as discussed in the claim 9 rejection above, would also perform coding/decoding to and from the radio channel.

Regarding **claim 14**, Koohgoli teaches that a second station transmits the acknowledgement signal. Specifically, a base station (second station) sends an acknowledgment signal (OFFER message, as discussed in the claim 1 rejection above) to portable unit 16. The base station (second station) is one of a plurality of said second stations physically spaced from one another that may send an acknowledgment signal (OFFER message) because the base station 13 is one of plurality of other base stations 13 located in separate cells 12 (Fig. 1 and col.5, l. 50 – col. 6, l. 30). There is a plurality of remote terminal units (portable units 16) for each of the second station because there are many portable units 16 in each cell 12 in which the base station 16 is located (col. 6, ll. 27-31).

Art Unit: 3992

Regarding **claims 15, 17, and 36**, Koohgoli teaches that the transmitted packet and the acknowledge signal is coded into the appropriate protocol, e.g., "unslotted ALOHA type" with carrier sense" (col. 7, ll. 50-55) and identifies each unit, as discussed in the claim 40 rejection above. Thus the identification would be unique to the particular terminal unit; otherwise the remote terminal unit could not be identified, contrary to the teachings of Koohgoli.

Regarding **claims 16, 35, and 41**, Koohgoli discloses the unit, prior to the transmitting, receives the data packet in order to detect transmission by other like units (portable unit 16 senses the activity of uplink channel to determine if the uplink channel is free to transmit, see col.7, lines 52-57 and col. 11, l. 40 – col. 12, l. 25).

Regarding **claims 18, 28 and 37**, the remote terminal unit in Koohgoli is a computer-based system and thus includes a processor that implements the functions of the remote terminal unit and a memory to store binary data that the processor fetches instructions and data from. Transmitted and received data packets would also be, at least temporarily, stored and/or buffered in computer memory.

Regarding **claim 26**, Koohgoli teaches a plurality of remote stations (portable units 16) (col. 6, ll. 27-31).

Regarding **claim 47**, see col. 8, ll. 19-23.

Art Unit: 3992

Regarding **claims 48 and 49**, Koohgoli teaches that the remote terminal will not listen and instead attempt to transmit data (i.e., nonresponsive to transmissions from the base station) after the time window TL2 has elapsed (col. 12, ll. 1-20). Also note that the remote terminal is responsive to the transmission from base station only during the request time out period (col.8, lines 45-68). See the claim 1 rejection for additional details.

Regarding **claim 53**, Koohgoli that each base station is coupled for communication to a host computer (switch 11), as discussed in the claim 50 rejection, via a serial land link 14 (col.7, lines 1-35).

Regarding **claim 54**, see the claim 1 rejection for additional details.

Regarding **claims 56 and 63**, see the claims 1 and 15 rejections above for additional details.

Regarding **claim 57**, see col. 8, ll. 1-10.

Regarding **claim 66**, see the claim 1 rejection for additional details.

Regarding **claims 67 and 68**, see the claims 1 and 50 rejections for additional details.

Art Unit: 3992

Claim Rejections - 35 USC § 103

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.

Claims 3, 4, 8, 11, 12, 13, 19, 20, 23, 24, 30-33, 38, 39, 43, 51, 52, 61, and 62 are rejected under 35 USC 103(a) as being unpatentable over Koohgoli, as applied to the claims above.

Regarding **claims 8, 19, 29, 38, 51, and 61**, Koohgoli discloses the remote unit including bar-code reading devices (portable unit 16 is capable of scanning all downlink radio channels; see col. 6, lines 30-34). Thus, the portable unit 16 is clearly a data-gathering device, which the Patent Owner considers capable of being equivalent to a bar code reading device. See for example, col. 5, ll. 25-32 of the Tymes patent under reexamination, where, although "bar-code readers are mentioned....[o]ther types of data gathering devices may use the features of the invention..." Nonetheless, Koohgoli fails to explicitly disclose that the remote data terminal may be a bar code reader device.

However, the Patent Owner admits in the background section of the Tymes patent that prior art, remote data terminals, in the form of bar code reader, are connected to radio frequency ("RF") networks (col. 1, ll. 10-42).

Art Unit: 3992

To one of ordinary skill in the art at the time the invention was made, it would have been obvious to implement the remote data terminals connected to an RF network, as taught by Koohgoli as a bar code reader, as taught by Patent Owner's admitted prior art.

The suggestion/motivation for doing so would have been to the flexibility and convenience of the bar code reading system, for example, "when the bar code reader is to be used by a person who is moving about a building, or when temporary installations are employed, physical wiring is unsuitable, or is at least quite inconvenient" (Tymes, col. 1, ll. 15-20).

Regarding claims 3, 4, 11, 23, 24, 31, 43, 52, and 62, Koohgoli fails to disclose the RF signals are a spread spectrum direct sequence. Such a teaching however was officially noticed as being well known by the examiner in the last Office action and the Patent Owner in his reply did not traverse such a finding. Thus, the examiner's statement is taken to be admitted prior art.

Therefore, it would have been obvious to use RF signals in spread spectrum direct sequence in cellular system of Koohgoli.

The suggestion/motivation for doing so would have been to increase communication channel efficiency by prevent co-channel interferences. Specifically, and as officially noticed, the use of RF signals in spread spectrum direct sequence is well known in the art because each remote unit is assigned a PN code which prevent interferences between different remote units.

Art Unit: 3992

Regarding **claims 12, 13, 32, and 33**, Koohgoli discloses the acknowledge signal is transmitted by a second station which is one of a plurality of like second stations (base station 13, like other base stations 13, transmits an OFFER message to portable unit 16; see col.8, lines 15-20); and each one of the second stations is coupled for communication to a central computer (in cellular system as shown in Fig.1, each base station 13 is coupled to a switch 11 via a serial land link 14; see also col.7, lines 1-35). See the claim 14 rejection for additional details.

Regarding **claims 20 and 30**, Koohgoli discloses the remote unit including keyboard inputs and visual display (portable unit 16 are telephone units or data modem; see col.2, lines 65; which are used in cellular network. Therefore, they have keyboard inputs and visual display).

Regarding **claim 34**, see the claims 50 and 60 rejections for additional details.

Regarding **claim 39**, Koohgoli discloses the remote unit including keyboard inputs and visual display (portable unit 16 are telephone units or data modem; see col.2, lines 65; which are used in cellular network. Therefore, they have keyboard inputs and visual display).

Claims 55, 64, and 65 are rejected under 35 USC 103(a) as being unpatentable over Koohgoli in view of Carlman, as applied to the claims above, and further in view of U.S. Patent No. 4,332,027 ("Malcolm"), of record.

Art Unit: 3992

Regarding **claims 55 and 64**, Koohgoli and Carlman fail to disclose the encoded RF signal including a header containing a synchronizing signals followed by a block of data signals.

Malcolm however discloses, in Fig.2, a fixed size packet containing syn code followed by a destination address (a header). The destination address is followed by a data field. See col.3, lines 5-15.

To one of ordinary skill in the art at the time the invention was made, it would have been obvious to have synchronizing signal in the RF signal of Koohgoli so that the request and ACK signals are transmitted and received at a desired time thereby increasing the efficiency, predictability, and accuracy of data transmission. For example, use of the synchronizing signal would have "minimized conflicts between the respective nodes without requiring transmitting stations to be capable of detecting collisions" (Malcom, col. 1, ll. 60-68) without requiring a costly, complex master controller (Malcom, col. 1, ll. 13-40).

Regarding **claim 65**, see the claims 1 and 15 rejection above for additional details.

Claim 44 is rejected under 35 USC 103(a) as being unpatentable over Koohgoli as applied to the claims above, and further in view of U.S. Patent No. 4,587,661 ("Shiff"), of record.

Art Unit: 3992

Koohgoli fails to disclose spread spectrum technique employs a sequence of frequency shifts between two frequencies. Shiff discloses a spread spectrum transmission between an earth station and satellite such as indicated in fig.4, a change in frequency occurs in response to a change of clock pulse rate; see col.7, lines 8-20 (a sequence of frequency shifts between two frequencies). Therefore, it would have been obvious use the frequency shift of Shiff into the Koohgoli et al. in order to provide synchronization at portable unit 16. Furthermore, such synchronization would have increased efficiency by maintaining the a low error rate because orthogonality of the sequences (Shiff, col. 2, ll. 44-68).

Statement Of Reasons For Patentability And/Or Confirmation

See pages 16-19 of the non-final Office action, mailed February 9, 2007, for further details regarding the examiner's statement of reasons for patentability and/or confirmation of the claims found patentable in this reexamination proceeding.

Response To Arguments

On pages 17 and 18 of the Response, the Patent Owner argues that the claim term "base station" must be given the special definition of a unit which cannot initiate data communications with a remote terminal unit so the remote terminal unit can minimize power consumption during a power save mode of operation. The Patent Owner argues that "this phrase is not merely a recitation of an advantage of the base station; it defines a power saving mode in which the remote station and base station can operate." The Patent Owner then refers to various sections of the Background of the Invention and the Summary of the Invention as support as support.

Art Unit: 3992

The Patent Owner arguments have been duly considered, but are not persuasive. Those sections of the Background and Summary that the Patent Owner cites refer to advantages of the base station, such as "reduced power dissipation at the remote unit by activating the receive function for only a short time..." (col. 2, ll. 61-64). The Tymes patent teaches that various embodiments have other advantages, such as "low-cost" units of "lesser computational capacity" (col. 3, ll. 10-14 and col. 13, ll. 17-19, 25-30, and 42-51). Thus, minimization of power consumption is merely one of several, exemplary advantages that one of ordinary skilled in the art would consider when interpreting the claims in view of the specification. Thus, one of ordinary skill in the art would not have given notice of the meaning of the claim term "base station" was restricted to just one of these several advantages disclosed in the specification. See In re Paulsen, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994) (holding that specific terms may be used to describe invention, but must done "with reasonable clarity, deliberateness, and precision" and, if done, must "set out his uncommon definition in some manner within the patent disclosure" so as to give one of ordinary skill in the art notice of the change" in meaning) (quoting Intellicall, Inc. v. Phonometrics, Inc., 952 F.2d 1384, 1387-88, 21 USPQ2d 1383, 1386 (Fed. Cir. 1992)). See also Merck & Co., Inc., v. Teva Pharms. USA, Inc., 395 F.3d 1364, 1370, 73 USPQ2d 1641, 1646 (Fed. Cir. 2005) ("When a patentee acts as his own lexicographer in redefining the meaning of particular claim terms away from their ordinary meaning, he must clearly express that intent in the written description.") (emphasis added). See also MPEP 2111.01.IV.

Art Unit: 3992

The Patent Owner's arguments regarding prosecution history estoppel on pages 20-22 are unpersuasive for the reasons set forth in the prior Office action, such as the fact that the prosecution history is incomplete. The prosecution history "consists of the complete record of the proceeding before the PTO...." Phillips v. AWH Corp., 415 F.3d 1303, 1317 (Fed. Cir. 2005) *en banc* (emphasis added). In the current reexamination proceeding, the record is still pending. At the present moment, the claims have not yet been confirmed and no arguments have yet been made that secures their patentability. Furthermore, no presumption of validity attaches during a reexamination proceeding, thus prosecution history estoppel from the original allowance would not apply.

The Patent Owner's arguments regarding the specific claim rejections are based on the specification definition of "base station" favored by the Patent Owner, as discussed above. The examiner however does not find the Patent Owner's reasons for interpreting the term "base station" according to this special definition persuasive, as discussed above. Thus, Patent Owner's arguments regarding the claim rejections are also unpersuasive.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07 and § 2271.

A shortened statutory period for response to this action is set to expire 2 months from the mailing date of this action.

Extensions of Time

Extensions of time under 37 CFR 1.136(a) do not apply in reexamination proceedings. The provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Further, in 35 U.S.C. 305 and in 37 CFR 1.550(a), it is required that reexamination proceedings "will be conducted with special dispatch within the Office."

Extensions of time in reexamination proceedings are provided for in 37 CFR 1.550(c). A request for extension of time must be filed on or before the day on which a response to this action is due, and it must be accompanied by the petition fee set forth in 37 CFR 1.17(g). The mere filing of a request will not effect any extension of time. An extension of time will be granted only for sufficient cause, and for a reasonable time specified.

Art Unit: 3992

The filing of a timely first response to this final rejection will be construed as including a request to extend the shortened statutory period for an additional month, which will be granted even if previous extensions have been granted. In no event, however, will the statutory period for response expire later than SIX MONTHS from the mailing date of the final action. See MPEP § 2265.

Amendment in Reexamination Proceedings

Patent owner is notified that any proposed amendment to the specification and/or claims in this reexamination proceeding must comply with 37 CFR 1.530(d)-(j), must be formally presented pursuant to 37 CFR 1.52(a) and (b), and must contain any fees required by 37 CFR 1.20(c). See MPEP § 2250(IV) for examples to assist in the preparation of proper proposed amendments in reexamination proceedings.

Submissions

Submissions after the final Office action on the merits will be governed by the requirements of 37 CFR 1.116, after final rejection and by 37 CFR 41.33 after appeal, which will be strictly enforced. Any amendment after a Final Action must include "a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented" in order to be considered. See MPEP § 2260.

Art Unit: 3992

Notification of Concurrent Proceedings

The Patent Owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving U.S. Patent No. 5,029,183 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly appraise the Office of such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282, and 2286.

Art Unit: 3992

All correspondence relating to this ex parte reexamination proceeding should be directed as follows:

By U.S. Postal Service Mail to:

Mail Stop "Ex Parte Reexam"
ATTN: Central Reexamination Unit
Commissioner for Patents
P. O. Box 1450
Alexandria VA 22313-1450

By FAX to:

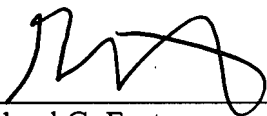
(571) 273-9900
Central Reexamination Unit

By hand to:

Customer Service Window
Central Reexamination Unit
Randolph Building, Lobby Level
401 Dulany Street
Alexandria, VA 22314


Any inquiry concerning this communication or earlier communications from the Reexamination Legal Advisor or Examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

Signed:



Roland G. Foster
Central Reexamination Unit, Primary Examiner
Electrical Art Unit 3992
(571) 272-7538

Conferees:


SCOTT L. WEAVER
CRU EXAMINER-AU 3992

MARK J. REINHART
SPRE-AU 3992
CENTRAL REEXAMINATION UNIT

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Reexam Control No.	90/007,617
				Filed	July 6, 2005
				Applicant	LaRoy TYMES
				Art Unit	3992
				Examiner Name	Foster, Roland G.
Sheet	1	of	1	Attorney Docket Number	2319.065REX0

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM/YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
/RF/	US1	4,291,410	09/1981	Caples <i>et al.</i>	
	US2				
	US3				
	US4				
	US5				
	US6				
	US7				
	US8				
	US9				
	US10				
	US11				
	US12				
	US13				
	US14				
	US15				
	US16				
	US17				
	US18				
	US19				
	US20				

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM/YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	FP1					
	FP2					
	FP3					
	FP4					
	FP5					
	FP6					
	FP7					
	FP8					
	FP9					

665115_1.DOC

Examiner Signature	/Roland Foster/	Date Considered	09/17/2007
--------------------	-----------------	-----------------	------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.
 This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS

Index of Claims



Application/Control No.

90/007,617

Examiner

Roland G. Foster

Applicant(s)/Patent under Reexamination

5029183

Art Unit

3992

√	Rejected
=	Allowed

-	(Through numeral) Cancelled
+	Restricted


N	Non-Elected
I	Interference

A	Appeal
O	Objected


Claim		Date				
Final	Original	9/17/07				
	1	√				
	2	√				
	3	√				
	4	√				
	5	√				
	6	√				
	7	√				
	8	√				
	9	√				
	10	√				
	11	√				
	12	√				
	13	√				
	14	√				
	15	√				
	16	√				
	17	√				
	18	√				
	19	√				
	20	√				
	21	√				
	22	√				
	23	√				
	24	√				
	25	√				
	26	√				
	27	√				
	28	√				
	29	√				
	30	√				
	31	√				
	32	√				
	33	√				
	34	√				
	35	√				
	36	√				
	37	√				
	38	√				
	39	√				
	40	√				
	41	√				
	42	√				
	43	√				
	44	√				
	45	=				
	46	=				
	47	√				
	48	√				
	49	√				
	50	√				

Claim		Date				
Final	Original	9/17/07				
	51	√				
	52	√				
	53	√				
	54	√				
	55	√				
	56	√				
	57	√				
	58	=				
	59	=				
	60	√				
	61	√				
	62	√				
	63	√				
	64	√				
	65	√				
	66	√				
	67	√				
	68	√				
	69	=				
	70	=				
	71	=				
	72	=				
	73	=				
	74	=				
	75	=				
	76	=				
	77	=				
	78	=				
	79	=				
	80	=				
	81	=				
	82	=				
	83	=				
	84	=				
	85					
	86					
	87					
	88					
	89					
	90					
	91					
	92					
	93					
	94					
	95					
	96					
	97					
	98					
	99					
	100					

Claim		Date				
Final	Original					
	101					
	102					
	103					
	104					
	105					
	106					
	107					
	108					
	109					
	110					
	111					
	112					
	113					
	114					
	115					
	116					
	117					
	118					
	119					
	120					
	121					
	122					
	123					
	124					
	125					
	126					
	127					
	128					
	129					
	130					
	131					
	132					
	133					
	134					
	135					
	136					
	137					
	138					
	139					
	140					
	141					
	142					
	143					
	144					
	145					
	146					
	147					
	148					
	149					
	150					

Reexamination 	Application/Control No. 90/007,617	Applicant(s)/Patent Under Reexamination 5029183
	Certificate Date	Certificate Number

Requester Correspondence Address: <input type="checkbox"/> Patent Owner <input checked="" type="checkbox"/> Third Party
Edward C. Kwok Macpherson Kwok Chen & Heidi LLP 1762 Technology Drive, Suite 226 San Jose, CA 95110

LITIGATION REVIEW <input checked="" type="checkbox"/>	rgf <small>(examiner initials)</small>	9/17/07 <small>(date)</small>
Case Name		Director Initials
Symbol Technologies, Inc. v. Ydi Wireless Inc. et al., U.S. District - Delaware, 1:05cv755, voluntary dismissal		<i>WHL for Cissi Mojca Marguic</i>
Symbol Technologies, Inc. v. Intermec Technologies Corp., U.S. District - Delaware, 1:05cv147, voluntary dismissal		
Symbol Technologies v. Hand Held Products, et al., U.S. District - Delaware, 1:03cv102, voluntary dismissal		
Symbol Technologies v. Proxim Inc., U.S. District - Delaware, 1:01cv801, post-judgment settlement		

COPENDING OFFICE PROCEEDINGS	
TYPE OF PROCEEDING	NUMBER
1.	
2.	
3.	
4.	

FINAL RET



UNITED STATES PATENT AND TRADEMARK OFFICE

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



Bib Data Sheet

CONFIRMATION NO. 7501

Table with 5 columns: SERIAL NUMBER (90/007,617), FILING OR 371(c) DATE (07/06/2005), CLASS (370), GROUP ART UNIT (3992), ATTORNEY DOCKET NO. (2319.065REX0)

APPLICANTS
5029183, Residence Not Provided;
Symbol Technologies Inc.(Owner), Houston, TX;
Edward C. Kwok(3rd. Pty. Req.), San Jose, CA;
Edward C. Kwok, San Jose, CA
** CONTINUING DATA *****
This application is a REX of 07/374,452 06/29/1989 PAT 5,029,183
** FOREIGN APPLICATIONS *****

Table with 5 columns: Foreign Priority claimed, 35 USC 119 (a-d) conditions met, STATE OR COUNTRY, SHEETS DRAWING, TOTAL CLAIMS (84), INDEPENDENT CLAIMS (7)

ADDRESS
26111

TITLE
PACKET DATA COMMUNICATION NETWORK

Table with 2 columns: FILING FEE RECEIVED (2520), FEES: Authority has been given in Paper... and a list of fee checkboxes (All Fees, 1.16 Fees, 1.17 Fees, 1.18 Fees, Other, Credit)

1. This is a final

2. Please mail to Sean.

Thanks

Manh

Electronic Acknowledgement Receipt

EFS ID:	2427666
Application Number:	90007617
International Application Number:	
Confirmation Number:	7501
Title of Invention:	PACKET DATA COMMUNICATION NETWORK
First Named Inventor/Applicant Name:	5029183
Customer Number:	26111
Filer:	Lori Ann Gordon/Kim Perry
Filer Authorized By:	Lori Ann Gordon
Attorney Docket Number:	2319.065REX0
Receipt Date:	05-NOV-2007
Filing Date:	06-JUL-2005
Time Stamp:	20:16:23
Application Type:	ex parte reexam

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1		2319065REX0.pdf	74379 <small>ce9f0868e23136bdf42acc952ba08556f866258d</small>	yes	3

Multipart Description/PDF files in .zip description			
Document Description		Start	End
Reexam Miscellaneous Incoming Letter		1	2
Reexam Certificate of Service		3	3

Warnings:

Information:

Total Files Size (in bytes):	74379
-------------------------------------	-------

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
90/007,617	07/06/2005	5029183	2319.065REX0	7501

26111 7590 11/13/2007

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 11/13/2007

Please find below and/or attached an Office communication concerning this application or proceeding.



DO NOT USE IN PALM PRINTER

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. ~~90/007,712~~

90/007,617

PATENT NO. ~~5470441~~ 5029183

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Ex Parte Reexamination Interview Summary

Control No.	Patent Under Reexamination	
90/007,742 90/007,617	5479441	5029183
Examiner	Art Unit	
Roland G. Foster	3992	

All participants (USPTO personnel, patent owner, patent owner's representative):

- (1) Roland G. Foster
- (2) Robert E. Sokohl (Reg. No. 36,013)
- (3) Lori Gordon (Reg. No. 50,633)
- (4) _____

Date of Interview: 13 November 2007

Type: a) Telephonic ^{R.C.F.} b) Video Conference
c) Personal (copy given to: 1) patent owner 2) patent owner's representative

Exhibit shown or demonstration conducted: d) Yes e) No.
If Yes, brief description: _____

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.
Any other agreement(s) are set forth below under "Description of the general nature of what was agreed to..."

Claim(s) discussed: Independent claims.

Identification of prior art discussed: Koohgoli.

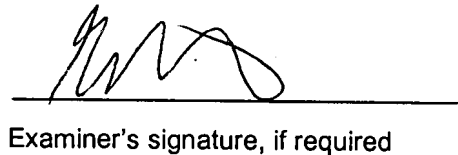
Description of the general nature of what was agreed to if an agreement was reached, or any other comments:
Patent Owner's representative discussed possible amendments to the claims to include a power saving mode of operation.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims patentable, if available, must be attached. Also, where no copy of the amendments that would render the claims patentable is available, a summary thereof must be attached.)

A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION MUST INCLUDE PATENT OWNER'S STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. (See MPEP § 2281). IF A RESPONSE TO THE LAST OFFICE ACTION HAS ALREADY BEEN FILED, THEN PATENT OWNER IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO PROVIDE THE MANDATORY STATEMENT OF THE SUBSTANCE OF THE INTERVIEW (37 CFR 1.560(b)). THE REQUIREMENT FOR PATENT OWNER'S STATEMENT CAN NOT BE WAIVED. EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).



MARK J. REINHART
SPRE-AU 3992
CENTRAL REEXAMINATION UNIT



Examiner's signature, if required

cc: Requester (if third party requester)

Application Number



Application/Control No.

~~90/007,742~~

90/007,617

Applicant(s)/Patent under Reexamination

~~5479441~~

5029183

Examiner

Roland G. Foster

Art Unit

3992

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re reexam of: U.S. Patent 5,029,183
LaRoy TYMES

Reexam Control No.: 90/007,617

Filed: July 6, 2005

For: **Packet Data Communication
Network**

Confirmation No.: 7501

Art Unit: 3992

Examiner: Foster, Roland G.

Atty.Docket: 2319.065REX0

**Reply to Final Office Action in *Ex Parte* Reexamination and
Statement of Substance of Interview Under 37 C.F.R. § 1.560**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the final Office Action in *Ex Parte* Reexamination dated September 21, 2007, the Patent Owner submits the following Amendments to the Claims and Remarks.

In compliance with 37 C.F.R. § 1.560, Applicants submit the following Statement of Substance of Interview conducted on November 13, 2007 between Primary Examiner Roland G. Foster and Patent Owner's representatives, Robert E. Sokohl and Lori A. Gordon.

It is not believed that extensions of time or other fees are required. However, if any fees are necessary to prevent abandonment of this application, then such fees are hereby petitioned and hereby authorized to be charged to our Deposit Account No. 19-0036.

Amendments to the Patent Claims

Please amend claim 1 as follows:

1. (amended) A method of transmitting data packets from one of a plurality of remote terminal units in a power save mode of operation to a base station, comprising the steps of:

(a) transmitting a data packet from said one unit to said base station during a first time period selected by the unit;

(b) receiving at said one unit from said base station an acknowledge signal during a second time period occurring only a fixed time delay after said first time period, said second time period being the same for at least some of said units,

wherein steps (a) and (b) are performed during said power save mode of operation in which said base station cannot initiate data communications with said one of said plurality of remote terminal units.

Please amend claim 21 as follows:

21. (amended) A system for transmitting data packets from one of a plurality of first stations to a second station wherein said plurality of first stations have a power save mode of operation in which said second station cannot initiate data communications with said plurality of first stations, comprising:

(a) a transmitter in said one first station for transmitting a data packet from said one first station to the second station during a first time period selected by said one first station;

(b) a receiver in said one first station for receiving an acknowledge signal from the second station during a second time period occurring only in a time window referenced to said first time period by a fixed delay, said fixed delay being the same for all said plurality of first stations,

wherein said transmitting and receiving are performed during said power save mode of operation.

Please amend claim 40 as follows:

40. (amended) A method of data transmission between a plurality of terminals in a power save mode of operation and a base station, comprising the steps of:

(a) transmitting a data packet from one of said terminals to said base station at a time selected by said one of said terminals, the data packet including identification of said one of the terminals; transmitting an acknowledgement from the base station to said one of said terminals in a predetermined time window, at least part of said predetermined time window being the same for all of said terminals, said acknowledgement including identification of said terminal; and

(b) [[c]] receiving said acknowledgement at said one terminal during said predetermined time window,

wherein steps (a) and (b) are performed during said power save mode of operation in which said base station cannot initiate data communications with said one of said plurality of remote terminal units.

Please amend claim 50 as follows:

50. (amended) A data communication system comprising:

(a) a host computer including a data communication input/output port;

(b) a plurality of base stations; each base station having a data communication input/output port; said data communication input/output ports of the host computer and at least one of said base stations being connected by a data communications link; each of the base stations having an RF transmitter/receiver responsive to received encoded RF signal packets and transmitting RF acknowledge signal packets; each of the base stations producing digital data corresponding to said received encoded RF signal packets, and storing said digital data for transferring to said host computer via said data

communication input/output port and said data communications link;

(c) a plurality of remote units having a power save mode of operation, each remote unit located for sending said encoded RF signal packets to one of said base stations at a time selected by the remote unit and receiving said RF acknowledge signal packets from one of said base stations in a fixed time window during said power save mode of operation, each of the remote units having:

(i) a memory for storing data from a local data source, and a processor for transferring data to and from the memory;

(ii) an RF transmitter/receiver having a modulator for modulating an outgoing carrier with data from said memory to produce said encoded RF signal packets, and a detector responsive to RF signals received by said RF transmitter/receiver to detect RF acknowledge signal packets from the base station in said fixed time window,

wherein said plurality of base stations cannot initiate data communications with said plurality of remote terminal units during said power save mode of operation.

Please amend claim 60 as follows:

60. (amended) A data communication system comprising:

(a) at least one base station; each base station having an RF transmitter/receiver responsive to encoded RF signal packets and producing RF acknowledge packets; each base station decoding said encoded RF signal packets received by said RF transmitter/receiver and producing digital data corresponding thereto;

(b) a plurality of remote units having a power save mode of operation, each located for sending said encoded RF signal packets to at least one of said base stations and receiving said RF acknowledge packets from one of said base stations during said power save mode of operation, each of the remote units having:

(i) a data source, a memory for storing data from the data source, and a processor for transferring data to and from the memory;

(ii) an RF transmitter/receiver producing said encoded RF signal packets containing data from said memory and detecting said RF acknowledge packets from a base station to load data from detected packets to said memory, wherein said RF transmitter/receiver in said remote unit is activated for detecting an RF acknowledge packet only during a fixed time window following transmission of an encoded RF signal packet,

wherein said plurality of base stations cannot initiate data communications with said plurality of remote terminal units during said power save mode of operation.

Please add the following claims:

85. (new) A method of data transmission between a plurality of terminals and a base station, comprising the steps of:

forming a data packet in a memory by expanding a multi-byte packet to create an expanded packet then producing in said memory an exclusive-OR of said expanded packet and a fixed pseudorandom sequence of bits;

transmitting said data packet from one of said terminals to said base station at a time selected by said one of said terminals, the data packet including identification of said one of the terminals; transmitting an acknowledgement from the base station to said one of said terminals in a predetermined time window, at least part of said predetermined time window being the same for all of said terminals, said acknowledgement including identification of said terminal; and

receiving said acknowledgement at said one terminal during said predetermined time window,

wherein said transmitting is by wireless RF,

wherein said RF is modulated by the spread spectrum technique, and

wherein said spread spectrum technique employs a sequence of frequency shifts between two frequencies.

86. (new) A method according to claim 85 wherein said multi-byte packet includes the results of reading a bar code symbol.

87. (new) A data communication system comprising:

(a) a host computer including a data communication input/output port;

(b) a plurality of base stations; each base station having a data communication input/output port; said data communication input/output ports of the host computer and at least one of said base stations being connected by a data communications link; each of the base stations having an RF transmitter/receiver responsive to received encoded RF signal packets and transmitting RF acknowledge signal packets; each of the base stations producing digital data corresponding to said received encoded RF signal packets, and storing said digital data for transferring to said host computer via said data communication input/output port and said data communications link;

(c) a plurality of remote units, each remote unit located for sending said encoded RF signal packets to one of said base stations at a time selected by the remote unit and receiving said RF acknowledge signal packets from one of said base stations in a fixed time window, each of the remote units having:

(i) a memory for storing data from a local data source, and a processor for transferring data to and from the memory;

(ii) an RF transmitter/receiver having a modulator for modulating an outgoing carrier with data from said memory to produce said encoded RF signal packets, and a detector responsive to RF signals received by said RF transmitter/receiver to detect RF acknowledge signal packets from the base station in said fixed time window,

wherein each one of said remote units is identified by a unique identifying code contained in said encoded RF signals transmitted by the remote unit, and wherein said base stations are responsive to said unique identifying code to allow only one of the base stations to send said RF acknowledge signals to each separate remote unit,

wherein each one of said base stations is responsive to all of the encoded RF

signals from all of the remote units within range, and detects the number of errors occurring in reception from each one of the remote units in said encoded RF signals, and wherein a representation of said number of errors is transmitted to other of said base stations via said communication link to specify the unique codes of remote units each base station is to be responsive to by sending said RF acknowledge signals, said information being derived from said representation of number of errors.

88. (new) A system according to claim 87 wherein at least some of said remote units are hand-held bar code readers.

89. (new) A data communication system comprising:

(a) at least one base station; each base station having an RF transmitter/receiver responsive to encoded RF signal packets and producing RF acknowledge packets; each base station decoding said encoded RF signal packets received by said RF transmitter/receiver and producing digital data corresponding thereto;

(b) a plurality of remote units each located for sending said encoded RF signal packets to at least one of said base stations and receiving said RF acknowledge packets from one of said base stations, each of the remote units having:

(i) a data source, a memory for storing data from the data source, and a processor for transferring data to and from the memory;

(ii) an RF transmitter/receiver producing said encoded RF signal packets containing data from said memory and detecting said RF acknowledge packets from a base station to load data from detected packets to said memory, wherein said RF transmitter/receiver in said remote unit is activated for detecting an RF acknowledge packet only during a fixed time window following transmission of an encoded RF signal packet,

wherein said RF transmitter/receiver in said remote unit is activated by said

processor for detecting said RF acknowledge packet only during a fixed time window following transmission of said encoded RF signal packet,

wherein said RF transmitter/receiver in a remote unit sends said RF signal packet only after receiving to detect any other RF signal from another remote unit which may be present,

wherein said base station decodes said RF signal packet while said RF signal packet is being received, and said remote unit decodes said RF acknowledge signal after said RF acknowledge signal has been received by accessing said memory via said processor, and

wherein said base station decodes said RF signal packet by loading detected data corresponding to the signal serially into a register and decoding bits of said register in parallel.

Status of Claims and Support for Claim Changes

Upon entry of the above amendment, claims 1-89 are currently pending with claims 1, 21, 40, 50, 60, 70, 76, 85, 87, and 89 being independent claims. Claims 1, 21, 40, 50, and 60 have been amended and new claims 85-89 have been added. The patentability of Original Patent Claims 45, 46, 58, 59, and 69-84 has been confirmed.

Support for the amendments to Original Patent Claims 1, 21, 40, 50, and 60 can be found, e.g., in the 5,029,183 Patent ("the '183 Patent) at col. 1, lines 48-50; col. 2, lines 17-20; col. 2, lines 61-col. 3, line 2; col. 6, lines 3-9; and col. 13, lines 25-29.

New independent claim 85 incorporates the subject matter of patentable Original Patent Claim 45 and all its intervening claims. Thus, support for new claim 85 can be found in Original Patent Claims 40 and 42-45.

New dependent claim 86 incorporates the subject matter of patentable Original Patent Claim 46. Thus, support for new claim 86 can be found in Original Patent Claim 46.

New independent claim 87 incorporates the subject matter of patentable Original Patent Claim 58 and all its intervening claims. Thus, support for new claim 87 can be found in Original Patent Claims 50 and 56-58.

New dependent claim 88 incorporates the subject matter of patentable Original Patent Claim 59. Thus, support for new claim 88 can be found in Original Patent Claim 59.

New independent claim 89 incorporates the subject matter of patentable Original Patent Claim 69 and all its intervening claims. Thus, support for new claim 89 can be found in Original Patent Claims 60 and 66-69.

Remarks

Claims 1-89 are currently pending in the reexamination proceeding of U.S. Patent No. 5,029,183 ("the '183 patent") with claims 1, 21, 40, 50, 60, 70, 76, 85, 87, and 89 being independent claims. Claims 1, 21, 40, 50, and 60 have been amended and new claims 85-89 have been added.

In the Reply to the First Office Action filed April 14, 2006 and the Reply to the Second Office Action filed April 9, 2007, the Patent Owner established that both the specification and the prosecution history clearly, deliberately, and precisely defined each of the terms "base station" and "second station" as a unit that transfer data with a remote terminal unit, but which cannot initiate data communications with a remote terminal unit in a power save mode of operation so the remote terminal unit can minimize power consumption. However, in the Final Office Action, the Examiner maintained the position that the definition of "base station" and "second station" argued by the Patent Owner is not clearly expressed in the specification and that statements made during prosecution of the application which led to the '183 patent cannot be used to construe claims in a reexamination proceeding. While the Patent Owner disagrees with the Examiner's position, the Patent Owner has amended independent claims 1, 21, 40, 50, and 60 to explicitly include the definition of the terms "base station" and "second station." Thus, the amendment is merely clarifying and does not change the scope of the amended claims. Accordingly, a new search is not required.

Because of the strength of the Patent Owner's claim construction position and the fact that the claim construction position argued by the Patent Owner is identical to the claim construction of the Honorable Chief Judge Sue L. Robinson in the *Symbol*

Technologies, Inc. v. Proxim, Inc. litigation, the Patent Owner did not believe (and continues to maintain) that the above claim amendments were not required. However, because the term of the '183 patent will expire in less than 2 years, a high likelihood exists that the term of the '183 patent will expire prior to the completion of the Appeal process. Therefore, to expedite confirmation of the claims in the present reexamination, the Patent Owner is now presenting the proposed amendments. The proposed amendments place all of the claims in condition where they are patentable. The Patent Owner respectfully requests that the Examiner enter the above amendments.

Based on the above amendments and following remarks, the Patent Owner respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

I. Statement of Substance of Interview

The Patent Owner thanks Primary Examiner Roland G. Foster for the courtesy extended to its representatives, Robert E. Sokohl, and Lori A. Gordon, in the interview held on November 13, 2007.

During that interview, the Patent Owner's representatives presented proposed claim amendments and explained the differences between the invention, as recited in the amended claims and the cited reference, U.S. Patent No. 4,771,448 to Koohgoli, et al. No agreement was reached.

II. Claim Rejections

A. Rejection Under §102(e) Over Koohgoli, et al

In the Office Action, claims 1, 2, 5-7, 9, 10, 14-18, 21, 22, 25-28, 35-37, 40-42, 47-50, 53, 54, 56, 57, 60, 63, and 66-69 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 4,771,448 ("Koohgoli"). The Patent Owner respectfully traverses this rejection.

For a prior art reference to anticipate the claimed invention, it must disclose each and every element as set forth in the claim. *See Finnigan Corp. v. United States Int'l Trade Comm'n*, 180 F.3d 1354, 1365-66 (Fed. Cir. 1999). The requirements of strict identity between the claim and the prior art reference, is not met if a single element or limitation required by the claim is missing from the prior art source. *See Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707,716 (Fed. Cir. 1984).

Koohgoli does not teach or even contemplate a power save mode of operation in which the base station cannot initiate data communications with a remote terminal unit so that the remote terminal unit can minimize power consumption. Neither the phrase "power save" nor the words "save" or "conserve" are used in Koohgoli. Instead, Koohgoli is directed to a private cellular system "developed in order to provide portable (cordless) telephone services to users normally served by a local PBX or CENTREX system." (Koohgoli, col. 5, lines 7-10). As such, the portable terminal units are designed to both originate and receive calls. (Koohgoli, col. 7, lines 41-44). As described below, for call reception, the base station in Koohgoli must be able to initiate data communication with the portables and therefore, the portables must be capable of receiving an unsolicited signaling message from the base station at any time.

As described in Koohgoli, “[t]he portables 16, when not in the ‘talking’ state, regularly transmit a REGistration message (REG).” (Koohgoli, col. 10, lines 18-19). In Koohgoli, “[r]egistration messages may be received by a number of base stations 13. Each base station 13 maintains a list of resident portables 16. This list is internal to every base station 13 and is not communicated to the switch 11.” (Koohgoli, col. 10, lines 36-40). When a call is received for a portable 16 in Koohgoli, the “switch 11 broadcasts a Start Ringing message to all the base stations 13 using the land signaling channel ... Those base stations 13 which contain the called portable 16 ID in their resident list and have access to a free land information channel transmit a Radio Ringing message.” (Koohgoli, col. 10, lines 47-59). The registration process of Koohgoli is designed to minimize traffic on the land signaling channel and to reduce the complexity of switch 11. (Koohgoli, col. 9, line 61 – col. 10, line 7). Koohgoli does not suggest a power save mode of operation during which a portable can reduce power consumption. Instead, Koohgoli teaches that a portable unit is driven to register as soon as the portable is operational in the system. Once a portable is registered with a base station, the base station is capable of initiating data communication.

The method of operation in Koohgoli is in contrast to the power save mode of operation recited in Patent Owner's independent claims 1, 21, 40, 50, and 60, an example of which is described in the specification as:

A packet-exchange protocol is used for this communications link that provides reduced power dissipation at the remote unit by activating the receive function for only a short time, rather than requiring the remote unit to receive or "listen" at all times ... In this protocol, the central station cannot initiate a packet transmission to a remote unit, but instead must wait until the remote unit has sent a transmitted packet, then the central station can reply in the rigid time window, attaching to the acknowledge signal the data it wishes to send to this remote unit.

('183 patent, col. 2, line 61-col. 3, line 2). As discussed above, Koohgoli does not teach or even suggest a system or method including a remote terminal having a power save mode of operation in which a base station cannot initiate data communications with the remote terminal as required by the amended independent claims 1, 21, 40, 50, and 60.

For at least these reasons, amended independent patent claims 1, 21, 40, 50, and 60 are patentable over Koohgoli. Claims 2, 5-7, 9, 10, and 14-18 depend from claim 1; claims 22, 25-28, and 35-37 depend from claim 21; claims 41, 42, and 47-49 depend from claim 40; claims 53, 54, 56, and 57 depend from claim 50; and claims 63 and 66-69 depend from claim 60. For at least these reasons and further in view of their own features, dependent claims 2, 5-7, 9, 10, 14-18, 22, 25-28, 35-37, 41, 42, 47-49, 53, 54, 56, 57, 63 and 66-69 are patentable over Koohgoli. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

B. Rejection Under §103 Over Koohgoli

In the Office Action, claims 3, 4, 8, 11, 12, 13, 19, 20, 23, 24, 30-33, 38, 39, 43, 51, 52, 61, and 62 were rejected under 35 U.S.C. §103(a) as being unpatentable over Koohgoli. The Patent Owner respectfully traverses this rejection.

Claims 3, 4, 8, 11, 12, 13, 19, and 20 depend from claim 1; claims 23, 24, 30-33, 38, and 39 depend from claim 21; claim 43 depends from claim 40; claims 51 and 52 depend from claim 50 and claims 61 and 62 depend from claim 60. As discussed above, Koohgoli does not teach or suggest each and every element of amended independent patent claims 1, 21, 40, 50, and 60. For at least these reasons, and further in view of their own features, dependent claims 3, 4, 8, 11, 12, 13, 19, 20, 23, 24, 30-33, 38, 39, 43, 51,

52, 61, and 62 are patentable over Koohgoli. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

C. Rejection Under §103 Over Koohgoli in view of Carlman, Jr., et al and further in view of Malcolm

In the Office Action, claims 55, 64, and 65 were rejected under 35 U.S.C. § 103 as being unpatentable over Koohgoli in view of Carlman, Jr., *et al*, U.S. Patent No. 4,777,488 (Carlman) and further in view of Malcolm, et al, U.S. Patent No. 4,332,027 (Malcolm). The Patent Owner respectfully traverses this rejection.

Claim 55 depends from claim 50 and claims 64 and 65 depend from claim 60. Amended independent claims 50 and 60 are distinguished from Koohgoli for the reasons set forth above. Neither Carlman nor Malcolm adds anything to Koohgoli to overcome the deficiencies of Koohgoli relative to independent claims 50 and 60 described above. Like Koohgoli, Carlman and Malcolm, alone or in combination, do not teach or even suggest a system or method including a remote terminal having a power save mode of operation in which a base station cannot initiate data communications with the remote terminal. For at least these reasons and further in view of their own features, dependent claims 55, 64, and 65 are patentable over the combination of Koohgoli, Carlman, and Malcolm. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

D. Rejection Under §103 Over Koohgoli and Shiff

In the Office Action, claim 44 was rejected under 35 U.S.C. § 103 as being unpatentable over Koohgoli in view of Shiff, U.S. Patent No. 4,587,661 (Shiff). The Patent Owner respectfully traverses this rejection.

Claim 44 depends from claim 40. Amended independent patent claim 40 is distinguished from Koohgoli for the reasons set forth above. Shiff adds nothing to Koohgoli to overcome the deficiencies of Koohgoli described above. Like Koohgoli, Shiff does not teach or even suggest a system or method including a remote terminal having a power saving mode of operation in which a base station cannot initiate data communications with the remote terminal.

For at least these reasons and further in view of its own features, dependent claim 44 is patentable over the combination of Koohgoli and Shiff. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

III. Patentable Subject Matter

The Patent Owner acknowledges with appreciation the Examiner's indication that claims 45, 46, 58, 59, and 69-84 are patentable. The Patent Owner has added new independent claim 85 which includes the subject matter of allowable Original Patent Claim 45, its base claim 40, and all its intervening claims (claims 42-44), new independent claim 87 which includes the subject matter of allowable Original Patent Claim 58, its base claim 50, and all its intervening claims (claims 56-57); and new independent claim 89 which includes the subject matter of allowable Original Patent Claim 69, its base claim 60, and all its intervening claims (claims 66-68). New dependent claim 86 includes the subject matter of allowable Original Patent Claim 46 and new dependent claim 88 includes the subject matter of allowable Original Patent Claim 59. Accordingly, new claims 85-89 are also patentable and their entry is respectfully requested.

IV. Related Proceedings

Claims 1, 16, 21, 35, and 40-41 of the '183 patent were the subject of prior litigation in the United States District Court for the District of Delaware, *Symbol Technologies, Inc. v. Proxim, Incorporated*, Civil Action No. 1:01-cv-00801-SLR. The Proxim litigation was settled following a jury verdict finding infringement by Proxim.

The '183 patent was previously asserted in United States District Court for the District of Delaware, *Symbol Technologies, Inc. v. Intermec Technologies Corporation*, Civil Action No. 1:05-cv-00147-SLR. The Intermec litigation was settled prior to trial.

The '183 patent was also previously asserted in two additional litigations in United States District Court for the District of Delaware: *Symbol Technologies, Inc. v. Hand Held Products*, Civil Action No. 1:03-cv-00102, filed January 21, 2003 and *Symbol Technologies, Inc. v. YDI Wireless Inc., et al*, Civil Action No. 1:05-cv-00755, filed October 28, 2005. Both litigations ended in settlement.

V. Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. The Patent Owner therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. The Patent Owner believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present reexamination proceeding is in condition for a Notice of Intent to Issue a Reexamination Certificate. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert E. Sokohl
Attorney for Patent Owner
Registration No. 36,013

Date: 11/21/07

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

Patent Under Reexamination: 5,029,183
Reexamination Control No.: 90/007,617
Examiner: Roland G. Foster
Art Unit: 3992

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**CERTIFICATION OF SERVICE OF REPLY TO FINAL OFFICE ACTION AND
STATEMENT OF SUBSTANCE OF INTERVIEW UNDER 37 C.F.R. § 1.560**

In compliance with 37 C.F.R. § 1.550(f), the undersigned, on behalf of the patent owner, hereby certifies that a copy of this paper has been served on the third-party requester by first class mail on November 21, 2007. The name and address of the party served is as follows:

Edward C. Kwok
Macpherson, Kwok, Chen, & Heid LLP
2033 Gateway Place, Suite 400
San Jose, CA 95110

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert Sokohl
Attorney for Patent Owner
Registration No. 36,013

Date: November 21, 2007

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

Electronic Acknowledgement Receipt

EFS ID:	2501656
Application Number:	90007617
International Application Number:	
Confirmation Number:	7501
Title of Invention:	PACKET DATA COMMUNICATION NETWORK
First Named Inventor/Applicant Name:	5029183
Customer Number:	26111
Filer:	Lori Ann Gordon/Maya Bennett
Filer Authorized By:	Lori Ann Gordon
Attorney Docket Number:	2319.065REX0
Receipt Date:	21-NOV-2007
Filing Date:	06-JUL-2005
Time Stamp:	17:21:16
Application Type:	Reexam (Third Party)

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1		2319065REX0ReplytoFinalOfficeAction.pdf	768463 <small>bd6788d660b83285290999a8cb2636400e2c9aec</small>	yes	20

Multipart Description/PDF files in .zip description			
Document Description		Start	End
Trans Letter filing of a response in a reexam		1	1
Amendment After Final		2	2
Claims		3	9
Applicant Arguments/Remarks Made in an Amendment		10	19
Reexam Certificate of Service		20	20

Warnings:

Information:

Total Files Size (in bytes):	768463
-------------------------------------	--------

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



Robert Greene Sterne
 Jorge A. Goldstein
 David K.S. Cornwell
 Robert W. Esmond
 Tracy-Gene G. Durkin
 Michele A. Cimbala
 Michael B. Ray
 Robert E. Sokohl
 Eric K. Steffe
 Michael Q. Lee
 John M. Covert
 Robert C. Millonig
 Donald J. Featherstone
 Timothy J. Shea, Jr
 Michael V. Messinger
 Judith U. Kim
 Jeffrey T. Helvey
 Eldora L. Ellison

Donald R. Banowit
 Peter A. Jackman
 Brian J. Del Buono
 Mark Fox Evens
 Vincent L. Capuano
 Elizabeth J. Haanes
 Michael D. Specht
 Kevin W. McCabe
 Glenn J. Perry
 Edward W. Yee
 Grant E. Reed
 Virgil Lee Beaston
 Theodore A. Wood
 Joseph S. Ostroff
 Jason D. Eisenberg
 Tracy L. Muller
 Jon E. Wright
 LuAnne M. DeSantis

Ann E. Summerfield
 Helene C. Carlson
 Cynthia M. Bouchez
 Timothy A. Doyle
 Gaby L. Longworth
 Lori A. Gordon
 Laura A. Vogel
 Bashir M.S. Ali
 Shannon A. Carroll
 Anbar F. Khai
 Michelle K. Holoubek
 Marsha A. Rose
 Scott A. Schaller
 Lei Zhou
 W. Blake Coblentz
 James J. Pohl
 John T. Haran
 Mark W. Rygiel

Michael R. Malek*
 Carla Ji-Eun Kim
 Doyle A. Siever*
 Ulrike Winkler Jenks
 Paul A. Calvo
 Robert A. Schwartzman
 C. Matthew Rozier*
 Shameek Ghose
 Randall K. Baldwin
 Daniel J. Nevriy
 Registered Patent Agents*
 Karen R. Markowicz
 Matthew J. Dowd
 Mita Mukherjee
 Scott M. Woodhouse
 Peter A. Socanas
 Jeffrey K. Mills

Danielle L. Letting
 Lori Brandes
 Steven C. Oppenheimer
 Aaron S. Lukas
 Gaurav Asthana
 Robert E. Bakin
 Salvador M. Bezos
 Of Counsel
 Edward J. Kessler
 Kenneth C. Bass III
 Marvin C. Guthrie
 Christopher P. Wrist
 *Admitted only in Maryland
 *Admitted only in Virginia
 *Practice Limited to Federal Agencies

November 21, 2007

WRITER'S DIRECT NUMBER:
 (202) 772-8677
 INTERNET ADDRESS:
 RSOKOHL@SKGF.COM

Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

Re: Reexamination of U.S. Patent No. 5,029,183
 Reexam Control No. 90/007,617; Filed: July 6, 2005
 For: **Packet Data Communication Network**
 Inventor: LaRoy TYMES
 Our Ref: 2319.065REX0

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Reply to Final Office Action in *Ex Parte* Reexamination and Statement of Substance of Interview under 37 C.F.R. § 1560;
2. Certification of Service on Third Party Requestor of Reply to Final Office Action and Statement of Substance of Interview under 37 C.F.R. § 1.560; and
3. Online Credit Card Payment Authorization for \$880.00 to cover: \$250.00 excess total claims fee; and \$630.00 excess independent claims fee.

The above-listed documents are filed electronically through EFS-Web.

Fee payment is provided through online credit card payment. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Robert Sokohl
 Attorney for Patent Owner
 Registration No. 36,013

RES/LAG/mlb

Enclosures

751026_1.DOC

Sterne, Kessler, Goldstein & Fox P.L.L.C. : 1100 New York Avenue, NW : Washington, DC 20005 : 202.371.2600 f 202.371.2540 : www.skgf.com

Electronic Patent Application Fee Transmittal

Application Number:	90007617
Filing Date:	06-Jul-2005
Title of Invention:	PACKET DATA COMMUNICATION NETWORK
First Named Inventor/Applicant Name:	5029183
Filer:	Lori Ann Gordon/Maya Bennett
Attorney Docket Number:	2319.065REX0

Filed as Large Entity

ex parte reexam Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Reexamination independent claims in exce	1821	3	210	630
Reexamination Independent Claims for exc	1822	5	50	250

Miscellaneous-Filing:

Petition:

Patent-Appeals-and-Interference:

Post-Allowance-and-Post-Issuance:

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				880

Electronic Acknowledgement Receipt

EFS ID:	2501694
Application Number:	90007617
International Application Number:	
Confirmation Number:	7501
Title of Invention:	PACKET DATA COMMUNICATION NETWORK
First Named Inventor/Applicant Name:	5029183
Customer Number:	26111
Filer:	Lori Ann Gordon/Maya Bennett
Filer Authorized By:	Lori Ann Gordon
Attorney Docket Number:	2319.065REX0
Receipt Date:	21-NOV-2007
Filing Date:	06-JUL-2005
Time Stamp:	17:40:45
Application Type:	Reexam (Third Party)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 880
RAM confirmation Number	3258
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /zip	Pages (if appl.)
-----------------	----------------------	-----------	-------------------------------------	--------------------	---------------------

1	Fee Worksheet (PTO-06)	fee-info.pdf	8298 <small>665bd714c2885fd77fce2bd54108f71be0f0036f</small>	no	2
---	------------------------	--------------	---	----	---

Warnings:

Information:

Total Files Size (in bytes):	8298
-------------------------------------	------

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

OO NOT
ENTER
R.C.F.
11/30/07

Amendments to the Patent Claims

Please amend claim 1 as follows:

1. (amended) A method of transmitting data packets from one of a plurality of remote terminal units in a power save mode of operation to a base station, comprising the steps of:

a) transmitting a data packet from said one unit to said base station during a first time period selected by the unit;

b) receiving at said one unit from said base station a reply signal during a second time period occurring only during a selected time window after said first time period, said second time period being the same for at least some of said units wherein steps (a) and (b) are performed during said power save mode of operation in which said base station cannot initiate data communications with said one of said plurality of remote terminal units.

Please amend claim 7 as follows:

7. (amended) A system for transmitting data packets from one of a plurality of first stations to a second station wherein said plurality of first stations have a power save mode of operation in which said second station cannot initiate data communications with said plurality of first stations, comprising:

a) a transmitter in said one first station for transmitting a data packet from said one first station to the second station during a first time period selected by said one first station;



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
90/007,617	07/06/2005	5029183	2319.065REX0	7501

26111 7590 12/10/2007

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 12/10/2007

Please find below and/or attached an Office communication concerning this application or proceeding.



DO NOT USE IN PALM PRINTER

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

Edward C. Kwok

Macpherson Kwok Chen & Heid LLP

1762 Technology Drive Suite 226

San Jose CA 95121

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/007,617.

PATENT NO. 5029183.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Ex Parte Reexamination Advisory Action Before the Filing of an Appeal Brief	Control No. 90/007,617	Patent Under Reexamination 5029183	
	Examiner Roland G. Foster	Art Unit 3992	

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

THE PROPOSED RESPONSE FILED 21 November 2007 FAILS TO OVERCOME ALL OF THE REJECTIONS IN THE FINAL REJECTION MAILED 21 September 2007.

1. Unless a timely appeal is filed, or other appropriate action by the patent owner is taken to overcome all of the outstanding rejection(s), this prosecution of the present *ex parte* reexamination proceeding WILL BE TERMINATED and a Notice of Intent to Issue *Ex Parte* Reexamination Certificate will be mailed in due course. Any finally rejected claims, or claims objected to, will be CANCELLED.
- THE PERIOD FOR RESPONSE IS EXTENDED TO RUN 3 MONTHS FROM THE MAILING DATE OF THE FINAL REJECTION. Extensions of time are governed by 37 CFR 1.550(c).

NOTICE OF APPEAL

2. An Appeal Brief is due two months from the date of the Notice of Appeal filed on _____ to avoid dismissal of the appeal. See 37 CFR 41.37(a). Extensions of time are governed by 37 CFR 1.550(c). See 37 CFR 41.37(e).

AMENDMENTS

3. The proposed amendment(s) filed after a final action, but prior to the date of filing a brief, will not be entered because:
- (a) They raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) They raise the issue of new matter (see NOTE below);
 - (c) They are not deemed to place the proceeding in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) They present additional claims without canceling a corresponding number of finally rejected claims.
- NOTE: _____ (See 37 CFR 1.116 and 41.33(a)).


4. Patent owner's proposed response filed _____ has overcome the following rejection(s): _____
5. The proposed new or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
6. For purposes of appeal, the proposed amendment(s) a) will not be entered, or b) will be entered and an explanation of how the new or amended claim(s) would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
 Claim(s) patentable and/or confirmed: _____
 Claim(s) objected to: _____
 Claim(s) rejected: _____
 Claim(s) not subject to reexamination: _____

AFFIDAVIT OR OTHER EVIDENCE

7. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because patent owner failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
8. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence fails to overcome all rejections under appeal and/or appellant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
9. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

10. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
11. Note the attached Information Disclosure Statement(s), PTO/SB/08, Paper No(s) _____.
12. Other: _____.

conferees: 
 ESK Roland G. Foster
Primary Examiner
Art Unit: 3992

cc: Requester (if third party requester)

Continuation of 3.(d) NOTE:

The Patent Owner proposes to amend various independent claims to explicitly include the definition of the terms "base station" and "second station" that the Patent Owner previously argued were required when interpreting those terms. See page 10 of the Patent Owner remarks for additional details.

It is intended that prosecution before the examiner in a reexamination proceeding will be concluded with the final action. Consideration of amendments submitted after final rejection and prior to, or with, the appeal will be governed by the strict standards of 37 CFR 1.116. MPEP § 2272. 37 CFR 1.116(b), in turn, states in part "[a]n amendment touching the merits of the application or patent under reexamination may be admitted upon a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented."

Here, the proposed amendment clearly touches on the merits of the patent under reexamination, as the claims stand rejected based on claim interpretations that do not require the specific definitions previously argued by the Patent Owner. Thus, the Patent Owner must make a showing of good and sufficient reasons why the amendment is necessary and not earlier presented, which the Patent Owner has failed to do. Indeed, the Patent Owner has not presented a showing.

Rather, on page 11 of the remarks, the Patent Owner admits that the "Patent Owner did not believe (and continues to maintain) that the above claim amendments were not required." Thus, the Patent Owner has admitted that the proposed amendment is not necessary. Thus, the Patent Owner cannot show the proposed amendment to now be necessary.

Furthermore on page 11 of the remarks, the Patent Owner admits that "because the term of the '183 patent will expire in less than 2 years, a high likelihood exists that the term of the '183 patent will expire prior to the completion of the Appeal process." Therefore, to expedite confirmation of the claims in the present reexamination, the Patent Owner is now presenting the proposed amendment." Besides not being a showing of why the amendment was not earlier presented, the length of the appeal process should have been known the Patent Owner and thus tends to show that the amendment could have been earlier presented.

Thus, the Patent Owner has not made (and cannot make) a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented.

conferees:

ESIC



ROLAND G. FOSTER
CRU EXAMINER-AU 3992

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re reexam of: U.S. Patent 5,029,183
LaRoy TYMES

Reexam Control No.: 90/007,617

Filed: July 6, 2005

For: **Packet Data Communication
Network**

Confirmation No.: 7501

Art Unit: 3992

Examiner: Foster, Roland G.

Atty.Docket: 2319.065REX0

**Reply to Final Office Action in *Ex Parte* Reexamination and
Statement of Substance of Interview Under 37 C.F.R. § 1.560**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the final Office Action in *Ex Parte* Reexamination dated September 21, 2007, the Patent Owner submits the following Amendments to the Claims and Remarks.

In compliance with 37 C.F.R. § 1.560, Applicants submit the following Statement of Substance of Interview conducted on November 13, 2007 between Primary Examiner Roland G. Foster and Patent Owner's representatives, Robert E. Sokohl and Lori A. Gordon.

It is not believed that extensions of time or other fees are required. However, if any fees are necessary to prevent abandonment of this application, then such fees are hereby petitioned and hereby authorized to be charged to our Deposit Account No. 19-0036.

Amendments to the Patent Claims

Please amend claim 1 as follows:

1. (amended) A method of transmitting data packets from one of a plurality of remote terminal units in a power save mode of operation to a base station, comprising the steps of:

(a) transmitting a data packet from said one unit to said base station during a first time period selected by the unit;

(b) receiving at said one unit from said base station an acknowledge signal during a second time period occurring only a fixed time delay after said first time period, said second time period being the same for at least some of said units,

wherein steps (a) and (b) are performed during said power save mode of operation in which said base station cannot initiate data communications with said one of said plurality of remote terminal units.

Please amend claim 21 as follows:

21. (amended) A system for transmitting data packets from one of a plurality of first stations to a second station wherein said plurality of first stations have a power save mode of operation in which said second station cannot initiate data communications with said plurality of first stations, comprising:

(a) a transmitter in said one first station for transmitting a data packet from said one first station to the second station during a first time period selected by said one first station;

(b) a receiver in said one first station for receiving an acknowledge signal from the second station during a second time period occurring only in a time window referenced to said first time period by a fixed delay, said fixed delay being the same for all said plurality of first stations,

wherein said transmitting and receiving are performed during said power save mode of operation.

Please amend claim 40 as follows:

40. (amended) A method of data transmission between a plurality of terminals in a power save mode of operation and a base station, comprising the steps of:

(a) transmitting a data packet from one of said terminals to said base station at a time selected by said one of said terminals, the data packet including identification of said one of the terminals; transmitting an acknowledgement from the base station to said one of said terminals in a predetermined time window, at least part of said predetermined time window being the same for all of said terminals, said acknowledgement including identification of said terminal; and

(b) [[c]] receiving said acknowledgement at said one terminal during said predetermined time window,

wherein steps (a) and (b) are performed during said power save mode of operation in which said base station cannot initiate data communications with said one of said plurality of remote terminal units.

Please amend claim 50 as follows:

50. (amended) A data communication system comprising:

(a) a host computer including a data communication input/output port;

(b) a plurality of base stations; each base station having a data communication input/output port; said data communication input/output ports of the host computer and at least one of said base stations being connected by a data communications link; each of the base stations having an RF transmitter/receiver responsive to received encoded RF signal packets and transmitting RF acknowledge signal packets; each of the base stations producing digital data corresponding to said received encoded RF signal packets, and storing said digital data for transferring to said host computer via said data

communication input/output port and said data communications link;

(c) a plurality of remote units having a power save mode of operation, each remote unit located for sending said encoded RF signal packets to one of said base stations at a time selected by the remote unit and receiving said RF acknowledge signal packets from one of said base stations in a fixed time window during said power save mode of operation, each of the remote units having:

(i) a memory for storing data from a local data source, and a processor for transferring data to and from the memory;

(ii) an RF transmitter/receiver having a modulator for modulating an outgoing carrier with data from said memory to produce said encoded RF signal packets, and a detector responsive to RF signals received by said RF transmitter/receiver to detect RF acknowledge signal packets from the base station in said fixed time window,

wherein said plurality of base stations cannot initiate data communications with said plurality of remote terminal units during said power save mode of operation.

Please amend claim 60 as follows:

60. (amended) A data communication system comprising:

(a) at least one base station; each base station having an RF transmitter/receiver responsive to encoded RF signal packets and producing RF acknowledge packets; each base station decoding said encoded RF signal packets received by said RF transmitter/receiver and producing digital data corresponding thereto;

(b) a plurality of remote units having a power save mode of operation, each located for sending said encoded RF signal packets to at least one of said base stations and receiving said RF acknowledge packets from one of said base stations during said power save mode of operation, each of the remote units having:

(i) a data source, a memory for storing data from the data source, and a processor for transferring data to and from the memory;

(ii) an RF transmitter/receiver producing said encoded RF signal packets containing data from said memory and detecting said RF acknowledge packets from a base station to load data from detected packets to said memory, wherein said RF transmitter/receiver in said remote unit is activated for detecting an RF acknowledge packet only during a fixed time window following transmission of an encoded RF signal packet,

wherein said plurality of base stations cannot initiate data communications with said plurality of remote terminal units during said power save mode of operation.

Please add the following claims:

85. (new) A method of data transmission between a plurality of terminals and a base station, comprising the steps of:

forming a data packet in a memory by expanding a multi-byte packet to create an expanded packet then producing in said memory an exclusive-OR of said expanded packet and a fixed pseudorandom sequence of bits;

transmitting said data packet from one of said terminals to said base station at a time selected by said one of said terminals, the data packet including identification of said one of the terminals; transmitting an acknowledgement from the base station to said one of said terminals in a predetermined time window, at least part of said predetermined time window being the same for all of said terminals, said acknowledgement including identification of said terminal; and

receiving said acknowledgement at said one terminal during said predetermined time window,

wherein said transmitting is by wireless RF,

wherein said RF is modulated by the spread spectrum technique, and

wherein said spread spectrum technique employs a sequence of frequency shifts between two frequencies.

86. (new) A method according to claim 85 wherein said multi-byte packet includes the results of reading a bar code symbol.

87. (new) A data communication system comprising:

(a) a host computer including a data communication input/output port;

(b) a plurality of base stations; each base station having a data communication input/output port; said data communication input/output ports of the host computer and at least one of said base stations being connected by a data communications link; each of the base stations having an RF transmitter/receiver responsive to received encoded RF signal packets and transmitting RF acknowledge signal packets; each of the base stations producing digital data corresponding to said received encoded RF signal packets, and storing said digital data for transferring to said host computer via said data communication input/output port and said data communications link;

(c) a plurality of remote units, each remote unit located for sending said encoded RF signal packets to one of said base stations at a time selected by the remote unit and receiving said RF acknowledge signal packets from one of said base stations in a fixed time window, each of the remote units having:

(i) a memory for storing data from a local data source, and a processor for transferring data to and from the memory;

(ii) an RF transmitter/receiver having a modulator for modulating an outgoing carrier with data from said memory to produce said encoded RF signal packets, and a detector responsive to RF signals received by said RF transmitter/receiver to detect RF acknowledge signal packets from the base station in said fixed time window,

wherein each one of said remote units is identified by a unique identifying code contained in said encoded RF signals transmitted by the remote unit, and wherein said base stations are responsive to said unique identifying code to allow only one of the base stations to send said RF acknowledge signals to each separate remote unit,

wherein each one of said base stations is responsive to all of the encoded RF

signals from all of the remote units within range, and detects the number of errors occurring in reception from each one of the remote units in said encoded RF signals, and wherein a representation of said number of errors is transmitted to other of said base stations via said communication link to specify the unique codes of remote units each base station is to be responsive to by sending said RF acknowledge signals, said information being derived from said representation of number of errors.

88. (new) A system according to claim 87 wherein at least some of said remote units are hand-held bar code readers.

89. (new) A data communication system comprising:

(a) at least one base station; each base station having an RF transmitter/receiver responsive to encoded RF signal packets and producing RF acknowledge packets; each base station decoding said encoded RF signal packets received by said RF transmitter/receiver and producing digital data corresponding thereto;

(b) a plurality of remote units each located for sending said encoded RF signal packets to at least one of said base stations and receiving said RF acknowledge packets from one of said base stations, each of the remote units having:

(i) a data source, a memory for storing data from the data source, and a processor for transferring data to and from the memory;

(ii) an RF transmitter/receiver producing said encoded RF signal packets containing data from said memory and detecting said RF acknowledge packets from a base station to load data from detected packets to said memory, wherein said RF transmitter/receiver in said remote unit is activated for detecting an RF acknowledge packet only during a fixed time window following transmission of an encoded RF signal packet,

wherein said RF transmitter/receiver in said remote unit is activated by said

processor for detecting said RF acknowledge packet only during a fixed time window following transmission of said encoded RF signal packet,

wherein said RF transmitter/receiver in a remote unit sends said RF signal packet only after receiving to detect any other RF signal from another remote unit which may be present,

wherein said base station decodes said RF signal packet while said RF signal packet is being received, and said remote unit decodes said RF acknowledge signal after said RF acknowledge signal has been received by accessing said memory via said processor, and

wherein said base station decodes said RF signal packet by loading detected data corresponding to the signal serially into a register and decoding bits of said register in parallel.

Status of Claims and Support for Claim Changes

Upon entry of the above amendment, claims 1-89 are currently pending with claims 1, 21, 40, 50, 60, 70, 76, 85, 87, and 89 being independent claims. Claims 1, 21, 40, 50, and 60 have been amended and new claims 85-89 have been added. The patentability of Original Patent Claims 45, 46, 58, 59, and 69-84 has been confirmed.

Support for the amendments to Original Patent Claims 1, 21, 40, 50, and 60 can be found, e.g., in the 5,029,183 Patent ("the '183 Patent) at col. 1, lines 48-50; col. 2, lines 17-20; col. 2, lines 61-col. 3, line 2; col. 6, lines 3-9; and col. 13, lines 25-29.

New independent claim 85 incorporates the subject matter of patentable Original Patent Claim 45 and all its intervening claims. Thus, support for new claim 85 can be found in Original Patent Claims 40 and 42-45.

New dependent claim 86 incorporates the subject matter of patentable Original Patent Claim 46. Thus, support for new claim 86 can be found in Original Patent Claim 46.

New independent claim 87 incorporates the subject matter of patentable Original Patent Claim 58 and all its intervening claims. Thus, support for new claim 87 can be found in Original Patent Claims 50 and 56-58.

New dependent claim 88 incorporates the subject matter of patentable Original Patent Claim 59. Thus, support for new claim 88 can be found in Original Patent Claim 59.

New independent claim 89 incorporates the subject matter of patentable Original Patent Claim 69 and all its intervening claims. Thus, support for new claim 89 can be found in Original Patent Claims 60 and 66-69.

Remarks

Claims 1-89 are currently pending in the reexamination proceeding of U.S. Patent No. 5,029,183 ("the '183 patent") with claims 1, 21, 40, 50, 60, 70, 76, 85, 87, and 89 being independent claims. Claims 1, 21, 40, 50, and 60 have been amended and new claims 85-89 have been added.

In the Reply to the First Office Action filed April 14, 2006 and the Reply to the Second Office Action filed April 9, 2007, the Patent Owner established that both the specification and the prosecution history clearly, deliberately, and precisely defined each of the terms "base station" and "second station" as a unit that transfer data with a remote terminal unit, but which cannot initiate data communications with a remote terminal unit in a power save mode of operation so the remote terminal unit can minimize power consumption. However, in the Final Office Action, the Examiner maintained the position that the definition of "base station" and "second station" argued by the Patent Owner is not clearly expressed in the specification and that statements made during prosecution of the application which led to the '183 patent cannot be used to construe claims in a reexamination proceeding. While the Patent Owner disagrees with the Examiner's position, the Patent Owner has amended independent claims 1, 21, 40, 50, and 60 to explicitly include the definition of the terms "base station" and "second station." Thus, the amendment is merely clarifying and does not change the scope of the amended claims. Accordingly, a new search is not required.

Because of the strength of the Patent Owner's claim construction position and the fact that the claim construction position argued by the Patent Owner is identical to the claim construction of the Honorable Chief Judge Sue L. Robinson in the *Symbol*

Technologies, Inc. v. Proxim, Inc. litigation, the Patent Owner did not believe (and continues to maintain) that the above claim amendments were not required. However, because the term of the '183 patent will expire in less than 2 years, a high likelihood exists that the term of the '183 patent will expire prior to the completion of the Appeal process. Therefore, to expedite confirmation of the claims in the present reexamination, the Patent Owner is now presenting the proposed amendments. The proposed amendments place all of the claims in condition where they are patentable. The Patent Owner respectfully requests that the Examiner enter the above amendments.

Based on the above amendments and following remarks, the Patent Owner respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

I. Statement of Substance of Interview

The Patent Owner thanks Primary Examiner Roland G. Foster for the courtesy extended to its representatives, Robert E. Sokohl, and Lori A. Gordon, in the interview held on November 13, 2007.

During that interview, the Patent Owner's representatives presented proposed claim amendments and explained the differences between the invention, as recited in the amended claims and the cited reference, U.S. Patent No. 4,771,448 to Koohgoli, et al. No agreement was reached.

II. Claim Rejections

A. Rejection Under §102(e) Over Koohgoli, et al

In the Office Action, claims 1, 2, 5-7, 9, 10, 14-18, 21, 22, 25-28, 35-37, 40-42, 47-50, 53, 54, 56, 57, 60, 63, and 66-69 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 4,771,448 ("Koohgoli"). The Patent Owner respectfully traverses this rejection.

For a prior art reference to anticipate the claimed invention, it must disclose each and every element as set forth in the claim. *See Finnigan Corp. v. United States Int'l Trade Comm'n*, 180 F.3d 1354, 1365-66 (Fed. Cir. 1999). The requirements of strict identity between the claim and the prior art reference, is not met if a single element or limitation required by the claim is missing from the prior art source. *See Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707,716 (Fed. Cir. 1984).

Koohgoli does not teach or even contemplate a power save mode of operation in which the base station cannot initiate data communications with a remote terminal unit so that the remote terminal unit can minimize power consumption. Neither the phrase "power save" nor the words "save" or "conserve" are used in Koohgoli. Instead, Koohgoli is directed to a private cellular system "developed in order to provide portable (cordless) telephone services to users normally served by a local PBX or CENTREX system." (Koohgoli, col. 5, lines 7-10). As such, the portable terminal units are designed to both originate and receive calls. (Koohgoli, col. 7, lines 41-44). As described below, for call reception, the base station in Koohgoli must be able to initiate data communication with the portables and therefore, the portables must be capable of receiving an unsolicited signaling message from the base station at any time.

As described in Koohgoli, “[t]he portables 16, when not in the ‘talking’ state, regularly transmit a REGistration message (REG).” (Koohgoli, col. 10, lines 18-19). In Koohgoli, “[r]egistration messages may be received by a number of base stations 13. Each base station 13 maintains a list of resident portables 16. This list is internal to every base station 13 and is not communicated to the switch 11.” (Koohgoli, col. 10, lines 36-40). When a call is received for a portable 16 in Koohgoli, the “switch 11 broadcasts a Start Ringing message to all the base stations 13 using the land signaling channel ... Those base stations 13 which contain the called portable 16 ID in their resident list and have access to a free land information channel transmit a Radio Ringing message.” (Koohgoli, col. 10, lines 47-59). The registration process of Koohgoli is designed to minimize traffic on the land signaling channel and to reduce the complexity of switch 11. (Koohgoli, col. 9, line 61 – col. 10, line 7). Koohgoli does not suggest a power save mode of operation during which a portable can reduce power consumption. Instead, Koohgoli teaches that a portable unit is driven to register as soon as the portable is operational in the system. Once a portable is registered with a base station, the base station is capable of initiating data communication.

The method of operation in Koohgoli is in contrast to the power save mode of operation recited in Patent Owner's independent claims 1, 21, 40, 50, and 60, an example of which is described in the specification as:

A packet-exchange protocol is used for this communications link that provides reduced power dissipation at the remote unit by activating the receive function for only a short time, rather than requiring the remote unit to receive or "listen" at all times ... In this protocol, the central station cannot initiate a packet transmission to a remote unit, but instead must wait until the remote unit has sent a transmitted packet, then the central station can reply in the rigid time window, attaching to the acknowledge signal the data it wishes to send to this remote unit.

('183 patent, col. 2, line 61-col. 3, line 2). As discussed above, Koohgoli does not teach or even suggest a system or method including a remote terminal having a power save mode of operation in which a base station cannot initiate data communications with the remote terminal as required by the amended independent claims 1, 21, 40, 50, and 60.

For at least these reasons, amended independent patent claims 1, 21, 40, 50, and 60 are patentable over Koohgoli. Claims 2, 5-7, 9, 10, and 14-18 depend from claim 1; claims 22, 25-28, and 35-37 depend from claim 21; claims 41, 42, and 47-49 depend from claim 40; claims 53, 54, 56, and 57 depend from claim 50; and claims 63 and 66-69 depend from claim 60. For at least these reasons and further in view of their own features, dependent claims 2, 5-7, 9, 10, 14-18, 22, 25-28, 35-37, 41, 42, 47-49, 53, 54, 56, 57, 63 and 66-69 are patentable over Koohgoli. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

B. Rejection Under §103 Over Koohgoli

In the Office Action, claims 3, 4, 8, 11, 12, 13, 19, 20, 23, 24, 30-33, 38, 39, 43, 51, 52, 61, and 62 were rejected under 35 U.S.C. §103(a) as being unpatentable over Koohgoli. The Patent Owner respectfully traverses this rejection.

Claims 3, 4, 8, 11, 12, 13, 19, and 20 depend from claim 1; claims 23, 24, 30-33, 38, and 39 depend from claim 21; claim 43 depends from claim 40; claims 51 and 52 depend from claim 50 and claims 61 and 62 depend from claim 60. As discussed above, Koohgoli does not teach or suggest each and every element of amended independent patent claims 1, 21, 40, 50, and 60. For at least these reasons, and further in view of their own features, dependent claims 3, 4, 8, 11, 12, 13, 19, 20, 23, 24, 30-33, 38, 39, 43, 51,

52, 61, and 62 are patentable over Koohgoli. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

C. Rejection Under §103 Over Koohgoli in view of Carlman, Jr., et al and further in view of Malcolm

In the Office Action, claims 55, 64, and 65 were rejected under 35 U.S.C. § 103 as being unpatentable over Koohgoli in view of Carlman, Jr., *et al*, U.S. Patent No. 4,777,488 (Carlman) and further in view of Malcolm, et al, U.S. Patent No. 4,332,027 (Malcolm). The Patent Owner respectfully traverses this rejection.

Claim 55 depends from claim 50 and claims 64 and 65 depend from claim 60. Amended independent claims 50 and 60 are distinguished from Koohgoli for the reasons set forth above. Neither Carlman nor Malcolm adds anything to Koohgoli to overcome the deficiencies of Koohgoli relative to independent claims 50 and 60 described above. Like Koohgoli, Carlman and Malcolm, alone or in combination, do not teach or even suggest a system or method including a remote terminal having a power save mode of operation in which a base station cannot initiate data communications with the remote terminal. For at least these reasons and further in view of their own features, dependent claims 55, 64, and 65 are patentable over the combination of Koohgoli, Carlman, and Malcolm. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

D. Rejection Under §103 Over Koohgoli and Shiff

In the Office Action, claim 44 was rejected under 35 U.S.C. § 103 as being unpatentable over Koohgoli in view of Shiff, U.S. Patent No. 4,587,661 (Shiff). The Patent Owner respectfully traverses this rejection.

Claim 44 depends from claim 40. Amended independent patent claim 40 is distinguished from Koohgoli for the reasons set forth above. Shiff adds nothing to Koohgoli to overcome the deficiencies of Koohgoli described above. Like Koohgoli, Shiff does not teach or even suggest a system or method including a remote terminal having a power saving mode of operation in which a base station cannot initiate data communications with the remote terminal.

For at least these reasons and further in view of its own features, dependent claim 44 is patentable over the combination of Koohgoli and Shiff. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

III. Patentable Subject Matter

The Patent Owner acknowledges with appreciation the Examiner's indication that claims 45, 46, 58, 59, and 69-84 are patentable. The Patent Owner has added new independent claim 85 which includes the subject matter of allowable Original Patent Claim 45, its base claim 40, and all its intervening claims (claims 42-44), new independent claim 87 which includes the subject matter of allowable Original Patent Claim 58, its base claim 50, and all its intervening claims (claims 56-57); and new independent claim 89 which includes the subject matter of allowable Original Patent Claim 69, its base claim 60, and all its intervening claims (claims 66-68). New dependent claim 86 includes the subject matter of allowable Original Patent Claim 46 and new dependent claim 88 includes the subject matter of allowable Original Patent Claim 59. Accordingly, new claims 85-89 are also patentable and their entry is respectfully requested.

IV. Related Proceedings

Claims 1, 16, 21, 35, and 40-41 of the '183 patent were the subject of prior litigation in the United States District Court for the District of Delaware, *Symbol Technologies, Inc. v. Proxim, Incorporated*, Civil Action No. 1:01-cv-00801-SLR. The Proxim litigation was settled following a jury verdict finding infringement by Proxim.

The '183 patent was previously asserted in United States District Court for the District of Delaware, *Symbol Technologies, Inc. v. Intermec Technologies Corporation*, Civil Action No. 1:05-cv-00147-SLR. The Intermec litigation was settled prior to trial.

The '183 patent was also previously asserted in two additional litigations in United States District Court for the District of Delaware: *Symbol Technologies, Inc. v. Hand Held Products*, Civil Action No. 1:03-cv-00102, filed January 21, 2003 and *Symbol Technologies, Inc. v. YDI Wireless Inc., et al*, Civil Action No. 1:05-cv-00755, filed October 28, 2005. Both litigations ended in settlement.

V. Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. The Patent Owner therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. The Patent Owner believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present reexamination proceeding is in condition for a Notice of Intent to Issue a Reexamination Certificate. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

- 18 -

LaRoy TYMES
Reexam of Pat. No. 5,029,183
Reexam Control No.: 90/007,617

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert E. Sokohl
Attorney for Patent Owner
Registration No. 36,013

Date: 11/21/07

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

Patent Under Reexamination: 5,029,183
Reexamination Control No.: 90/007,617
Examiner: Roland G. Foster
Art Unit: 3992

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

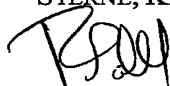
**CERTIFICATION OF SERVICE OF REPLY TO FINAL OFFICE ACTION AND
STATEMENT OF SUBSTANCE OF INTERVIEW UNDER 37 C.F.R. § 1.560**

In compliance with 37 C.F.R. § 1.550(f), the undersigned, on behalf of the patent owner, hereby certifies that a copy of this paper has been served on the third-party requester by first class mail on November 21, 2007. The name and address of the party served is as follows:

Edward C. Kwok
Macpherson, Kwok, Chen, & Heid LLP
2033 Gateway Place, Suite 400
San Jose, CA 95110

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert Sokohl
Attorney for Patent Owner
Registration No. 36,013

Date: November 21, 2007

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re reexam of: U.S. Patent 5,029,183
(LaRoy TYMES)

Reexam Control No.: 90/007,617

Filed: July 6, 2005

For: **Packet Data Communication Network**

Confirmation No.: 7501

Art Unit: 3992

Examiner: Roland G. Foster

Atty. Docket No.: 2319.065REX0

**Notice of Appeal From the Examiner to the Board
of Patent Appeals and Interferences – Large Entity**

Attn: Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Mail Stop: Ex Parte Reexam

Dear Sir:

The Patent Owner hereby appeals to the Board of Patent Appeals and Interferences from the final decision of the Examiner dated September 21, 2007, in which claims 1-44, 47-57, and 60-68 were finally or twice rejected.

The Patent Owner is concurrently filing a Petition Under 37 C.F.R. §1.182 for a Request for Continued Reexamination (RCR). The present Notice of Appeal is being filed to allow sufficient time for a decision on the petition to be provided.

The fee (for a large entity) for filing a Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences (37 C.F.R. § 41.20(b)(1)), along with any necessary extension fees (37 C.F.R. § 1.17(a)), is provided via Credit Card.

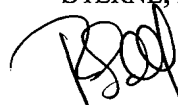
Per M.P.E.P §2272, an automatic one-month extension was granted upon filing of a Reply to the Final Office Action on November 21, 2007. The extension of time until December 21, 2007 (3 months from mailing date of final rejection) was acknowledged

by the Examiner in the Advisory Action issued on December 10, 2007. The Patent Owner believes that no further extensions of time are required.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert E. Sokohl
Attorney for Applicant
Registration No.

Date: December 19, 2007

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

Patent Under Reexamination: 5,029,183
Reexamination Control No.: 90/007,617
Examiner: Roland G. Foster
Art Unit: 3992

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CERTIFICATION OF SERVICE OF NOTICE OF APPEAL

In compliance with 37 C.F.R. § 1.550(f), the undersigned, on behalf of the patent owner, hereby certifies that a copy of this paper has been served on the third-party requester by first class mail on December 19, 2007. The name and address of the party served is as follows:

Edward C. Kwok
Macpherson, Kwok, Chen, & Heid LLP
2033 Gateway Place, Suite 400
San Jose, CA 95110

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert Sokohl
Attorney for Patent Owner
Registration No. 36,013

Date: December 19, 2007

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

Electronic Patent Application Fee Transmittal

Application Number:	90007617
Filing Date:	06-Jul-2005
Title of Invention:	PACKET DATA COMMUNICATION NETWORK
First Named Inventor/Applicant Name:	5029183
Filer:	Lori Ann Gordon/Kim Perry
Attorney Docket Number:	2319.065REX0

Filed as Large Entity

ex parte reexam Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Petition fee- 37 CFR 1.17(f) (Group I)	1462	1	400	400
Patent-Appeals-and-Interference:				
Notice of appeal	1401	1	510	510

Post-Allowance-and-Post-Issuance:

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				910

Electronic Acknowledgement Receipt

EFS ID:	2618217
Application Number:	90007617
International Application Number:	
Confirmation Number:	7501
Title of Invention:	PACKET DATA COMMUNICATION NETWORK
First Named Inventor/Applicant Name:	5029183
Customer Number:	26111
Filer:	Lori Ann Gordon/Kim Perry
Filer Authorized By:	Lori Ann Gordon
Attorney Docket Number:	2319.065REX0
Receipt Date:	19-DEC-2007
Filing Date:	06-JUL-2005
Time Stamp:	20:04:55
Application Type:	Reexam (Patent Owner)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$910
RAM confirmation Number	4631
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /zip	Pages (if appl.)

1		2319065REX0.pdf	931947 <small>6cae79aa4441c163205f6987cc37ae5f0 bacb100</small>	yes	28
Multipart Description/PDF files in .zip description					
Document Description		Start		End	
Reexam Miscellaneous Incoming Letter		1		2	
Receipt of Petition in a Reexam		3		5	
Reexam Certificate of Service		6		6	
Reexam Response to Final Rejection		7		24	
Reexam Certificate of Service		25		25	
Notice of Appeal - Requester		26		27	
Reexam Certificate of Service		28		28	
Warnings:					
Information:					
2	Fee Worksheet (PTO-06)	fee-info.pdf	8287 <small>fa54c64e43f7799dd4360841d4ecfdd5f7 30447b</small>	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			940234		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

Robert Greene Sterne
Jorge A. Goldstein
David K.S. Cornwell
Robert W. Esmond
Tracy-Gene G. Durkin
Michele A. Cimbala
Michael B. Ray
Robert E. Sokohl
Eric K. Steffe
Michael Q. Lee
John M. Covert
Robert C. Millonig
Donald J. Featherstone
Timothy J. Shea, Jr
Michael V. Messinger
Judith U. Kim
Jeffrey T. Helvey
Eldora L. Ellison

Donald R. Banowitz
Peter A. Jackman
Brian J. Del Buono
Mark Fox Evens
Vincent L. Capuano
Elizabeth J. Haanes
Michael D. Specht
Kevin W. McCabe
Glenn J. Perry
Edward W. Yee
Grant E. Read
Virgil Lee Beaston
Theodore A. Wood
Joseph S. Ostroff
Jason D. Eisenberg
Tracy L. Muller
Jon E. Wright
LuAnne M. DeSantis

Ann E. Summerfield
Helene C. Carlson
Cynthia M. Bouchez
Timothy A. Doyle
Gaby L. Longsworth
Lori A. Gordon
Laura A. Vogel
Bashir M.S. Ali
Shannon A. Carroll
Anbar F. Khal
Michelle K. Holoubek
Marsha A. Rose
Scott A. Schaller
Lei Zhou
W. Blake Coblentz
James J. Pohl
John T. Haran
Mark W. Rygiel

Michael R. Malek*
Carla Ji-Eun Kim
Doyle A. Siever*
Ulrike Winkler Jenks
Paul A. Calvo
Robert A. Schwartzman
C. Matthew Rozier
Shameek Ghose
Randall K. Baldwin
Daniel J. Nevrivy

Registered Patent Agents•
Karen R. Markowicz
Matthew J. Dowd
Mita Mukherjee
Scott M. Woodhouse
Peter A. Socarras
Jeffrey K. Mills

Danielle L. Letting
Lori Brandes
Steven C. Oppenheimer
Aaron S. Lukas
Gaurav Asthana
Robert E. Bakin
Salvador M. Bezos

Of Counsel
Edward J. Kessler
Kenneth C. Bass III
Marvin C. Guthrie
Christopher P. Wrist

*Admitted only in Maryland
*Admitted only in Virginia
•Practice Limited to
Federal Agencies

December 19, 2007

WRITER'S DIRECT NUMBER:
(202) 772-8677
INTERNET ADDRESS:
RSOKOHL@SKGF.COM

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Re: Reexamination of U.S. Patent No. 5,029,183
Reexam Control No. 90/007,617; Filed: July 6, 2005
For: **Packet Data Communication Network**
Inventor: LaRoy TYMES
Our Ref: 2319.065REX0

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Petition under 37 C.F.R. § 1.182 Request for Continued Reexamination with a copy of Reply to final Office Action in *Ex Parte* Reexamination and Statement of Substance of Interview under 37 C.F.R. § 1.560 filed November 21, 2007;
2. Certification of Service on Third Party Requestor of Petition under 37 C.F.R. § 1.182;
3. Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences - Large Entity;
4. Certification of Service of Notice of Appeal; and
5. Online Credit Card Payment Authorization for \$910.00 to cover: \$400.00 petition fee; and \$510.00 Notice of Appeal.

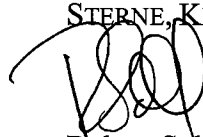
The above-listed documents are filed electronically through EFS-Web.

Commissioner for Patents
December 19, 2007
Page 2

Fee payment is provided through online credit card payment. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert Sokohl
Attorney for Patent Owner
Registration No. 36,013

RES/LAG:mlb
Enclosures
760464_1.DOC



MAILED

JAN 15 2008

Robert E. Sokohl
Sterne, Kessler, Goldstein & Fox PLLC CENTRAL REEXAMINATION UNIT
1100 New York Ave., NW
Washington, DC 20005
(For Patent Owner)

Edward C. Kwok
MacPherson Kwok Chen & Heidi LLP
1762 Technology Dr., Suite 226
San Jose, CA 95110
(For Third Party Requester)

Ex parte LaRoy Tymes : **DECISION ON PETITION**
Reexamination Proceeding : **TO CONTINUE**
Control No.: 90/007,617 : **EX PARTE**
Filed: July 6, 2005 : **REEXAMINATION**
For: U.S. Patent 5,029,183 : **PROCEEDINGS**

This is a decision on the December 19, 2007 patent owner Petition Under 37 CFR 1.182 and Request for Continued Reexamination.

The petition is before the Office of Patent Legal Administration.

The petition fee of \$400 set forth in 37 CFR 1.17(f) for the present petition under 37 CFR 1.182 has been charged to patent owner's credit card, pursuant to petitioner's instructions, as has been the notice of appeal fee of \$510.

For the reasons set forth below, the petition under 37 CFR 1.182 is granted.

REVIEW OF FACTS

- 1) U.S. Patent No. 5,029,183 (the '183 patent) issued on July 2, 1991.
- 2) The '183 patent has been the subject of four court proceedings, which are all now closed.
- 3) A request for *ex parte* reexamination of the '183 patent was filed by a third party requester on July 6, 2005, and assigned control number 90/007,617 (the '7617 proceeding).
- 4) An Order granting reexamination in the '7617 proceeding was mailed on

September 16, 2005.

- 5) There have been two non-final Office actions in the '7617 proceeding. In addition, a final Office action was mailed September 21, 2007.
- 6) An examiner interview was conducted with patent owner on November 13, 2007.
- 7) Patent owner then responded to the final Office action on November 21, 2007.
- 8) On December 10, 2007, an advisory action was mailed indicating that the amendments to the claims filed after the final Office action would not be entered because they were directed to the merits of the patent and the patent owner failed to make a showing of good and sufficient reasons why the amendment was necessary and not earlier presented.
- 9) The present petition to request continued reexamination of the '183 patent was filed on December 19, 2007, along with a notice of appeal to allow sufficient time for a decision to be made on this petition. The petition asserts that the amendment filed November 21, 2007, advances prosecution of the reexamination proceeding by amending the claims to explicitly recite the meaning of certain claim terms and to add new claims corresponding in scope to the claims already confirmed as to patentability in the '7617 proceeding.

DECISION ON PETITION UNDER 37 CFR 1.182

In the present petition, it is requested that the Office continue the prosecution of the instant reexamination proceeding to provide consideration of the November 21, 2007 response.¹

In March of 2005, the Office issued a Notice titled "Notice of Changes in Requirement for a Substantial New Question of Patentability for a Second or Subsequent Request for Reexamination While an Earlier Filed Reexamination is Pending."² Notice was provided therein that a second (or subsequent) reexamination would no longer be ordered on the basis of a "substantial new question of patentability" (SNQ) that is the same as a SNQ raised in an earlier pending reexamination. Notice was also provided therein that a patent owner could file a petition under 37 CFR 1.182 requesting continued prosecution on the merits in the reexamination proceeding to seek entry of an amendment and/or evidence that was denied entry after a final rejection in an *ex parte* reexamination proceeding, or after an action closing prosecution in an *inter partes* reexamination proceeding.

¹ Item 7 in the Review of Facts.

² 1292 *Off. Gaz. Pat. Office* 20, March 1, 2005.

By filing such a petition, the patent owner could obtain continued prosecution on the merits in the reexamination proceeding, including entry of the amendment and/or evidence that was denied entry after a final rejection in an *ex parte* reexamination proceeding, or after an action closing prosecution in an *inter partes* reexamination proceeding. Accordingly, relief in the form of a continuation of the reexamination prosecution (after a final Office action) was made available by the Office via a 37 CFR 1.182 petition, in appropriate circumstances. This petition will be referred to herein as "the § 1.182 petition."

The § 1.182 petition must further the prosecution of the reexamination proceeding, rather than delay it, and must provide a submission toward that end. This is critical in the reexamination setting, where 35 U.S.C. 305 (for *ex parte* reexamination) and 35 U.S.C. 314 (for *inter partes* reexamination) mandate that reexamination proceedings must be conducted "with special dispatch within the Office." Accordingly, the patent owner must make a *bona fide* effort, in the submission accompanying the § 1.182 petition, or already of record, to define the issues for appeal, or the issuance of a reexamination certificate, since this is a key factor in reducing pendency of a reexamination proceeding. Stated another way, the § 1.182 petition practice includes a requirement that the filing of the § 1.182 petition be accompanied by a submission that provides a *bona fide* effort to advance the prosecution toward appeal, or toward the issuance of a reexamination certificate.

In this instance, the patent owner believed prior to the final rejection that the claim language, as interpreted in view of the specification, was adequate to overcome the rejection and that an explanation to the Office of the claim interpretation would be a persuasive response. After the final rejection, patent owner realized that claim amendments would be required to overcome the rejection. In particular, in the amendment after the final Office action, the patent owner asserted that the amendments were not made previously, because the patent owner believed that the claim terms should be limited to the definitions set forth in the specification, which is asserted to be consistent with the claim construction followed in a concurrent (now closed) litigation, and thus required no amendment. Based on the facts and circumstances of the present situation, it is found that petitioner patent owner's presentation of an amendment paper amending the claims to support the argued claim interpretation is deemed a *bona fide* effort to advance the prosecution toward appeal, or toward the issuance of a reexamination certificate. As such, the granting of the present petition is consistent with the requirement of 35 U.S.C. 305 to conduct reexamination proceedings "with special dispatch within the Office."

In view of the above and the fact situation presented by the present record, the petition is granted, and the prosecution in the above-noted reexamination proceeding is hereby continued. Prosecution is reopened for consideration of the November 21, 2007 Amendment. This paper will be entered in the reexamination proceeding, and the proceeding will be forwarded to the examiner for action consistent with this decision. The examiner will consider the November 21, 2007 Amendment After Final and then

issue an Office action treating this paper as a patent owner response received after a first Office action.

CONCLUSION

- 1) The petition under 37 CFR 1.182 is granted.
- 2) The prosecution of the present '7617 *ex parte* reexamination proceeding is continued. No further continuation of the present reexamination proceeding will be granted absent a showing of extraordinary circumstances.
- 3) The closing of prosecution rendered via the September 21, 2007 final Office action is withdrawn, and prosecution of the proceeding is reopened.
- 4) The November 21, 2007 response will be entered³ by the Central Reexamination Unit, and will then be considered by the examiner. These papers will be treated as a response by patent owner received **after** a first Office action.
- 5) Jurisdiction over the reexamination proceeding is being forwarded to the Central Reexamination Unit for further handling and examination not inconsistent with this decision.
- 6) Telephone inquiries related to this decision should be directed to Caroline D. Dennison, Legal Advisor, at (571) 272-7729.



Kenneth M. Schor
Senior Legal Advisor
Office of Patent Legal Administration

January 11, 2008

C:\Kiva\Kenpet6\RCR\ 7617_RCR-grant-amdt-to-go-w-claim construction.doc

³ This decision takes no position on the propriety of the amendment, or whether it introduces new matter. Any issues raised by the amendment will be addressed by the examiner in the next Office action.



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
90/007,617	07/06/2005	5029183	2319.065REX0	7501

26111 7590 03/07/2008

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 03/07/2008

Please find below and/or attached an Office communication concerning this application or proceeding.



DO NOT USE IN PALM PRINTER

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

Edward C. Kwok

MacPherson Kwok Chen & Heidi LLP

1762 Technology Dr., Suite 226

San Jose, CA 95110

MAILED

MAR 07 2008

CENTRAL REEXAMINATION UNIT

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/007,617.

PATENT NO. 5029183.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

**Notice of Intent to Issue
Ex Parte Reexamination Certificate**

Control No. 90/007,617	Patent Under Reexamination 5029183	
Examiner Roland G. Foster	Art Unit 3992	

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

1. Prosecution on the merits is (or remains) closed in this *ex parte* reexamination proceeding. This proceeding is subject to reopening at the initiative of the Office or upon petition. Cf. 37 CFR 1.313(a). A Certificate will be issued in view of
- (a) Patent owner's communication(s) filed: 11/30/07 & 12/19/07.
 - (b) Patent owner's late response filed: _____.
 - (c) Patent owner's failure to file an appropriate response to the Office action mailed: _____.
 - (d) Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).
 - (e) Other: Petition Decision mailed 1/15/08.

Status of *Ex Parte* Reexamination:

- (f) Change in the Specification: Yes No
- (g) Change in the Drawing(s): Yes No
- (h) Status of the Claim(s):

- (1) Patent claim(s) confirmed: _____.
- (2) Patent claim(s) amended (including dependent on amended claim(s)): 1-84
- (3) Patent claim(s) cancelled: _____.
- (4) Newly presented claim(s) patentable: 85-89.
- (5) Newly presented cancelled claims: _____.
- (6) Patent claim(s) previously currently disclaimed: _____
- (7) Patent claim(s) not subject to reexamination: _____.

2. Note the attached statement of reasons for patentability and/or confirmation. Any comments considered necessary by patent owner regarding reasons for patentability and/or confirmation must be submitted promptly to avoid processing delays. Such submission(s) should be labeled: "Comments On Statement of Reasons for Patentability and/or Confirmation."
3. Note attached NOTICE OF REFERENCES CITED (PTO-892).
4. Note attached LIST OF REFERENCES CITED (PTO/SB/08 or PTO/SB/08 substitute.).
5. The drawing correction request filed on _____ is: approved disapproved.
6. Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some* c) None of the certified copies have
 - been received.
 - not been received.
 - been filed in Application No. _____.
 - been filed in reexamination Control No. _____.
 - been received by the International Bureau in PCT Application No. _____.

* Certified copies not received: _____.

- 7. Note attached Examiner's Amendment.
- 8. Note attached Interview Summary (PTO-474).
- 9. Other: _____.

cc: Requester (if third party requester)

NOTICE OF INTENT TO ISSUE EX PARTE REEXAMINATION CERTIFICATE

Entry of the After Final Amendment

On November 21, 2007, the Patent Owner submitted an after final amendment, stating for example, that the "Patent Owner did not believe (and continues to maintain) that the above claim amendments were not required." See page 11 of the amendment.

Consideration of amendments submitted after final rejection and prior to, or with, the appeal will be governed by the strict standards of code of federal regulations, specifically 37 CFR 1.116. MPEP § 2272. 37 CFR 1.116(b), in turn, states in part "[a]n amendment touching the merits of the application or patent under reexamination may be admitted upon a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented."

On December 10, 2007, an advisory action was mailed indicating that the amendments to the claims would not be entered because they were directed to the merits of the claims and because the patent owner failed to make a showing of good and sufficient why the amendment was necessary and not earlier presented. For example, and as noted above, the Patent Owner admitted that the proposed after final amendment was "not required" (i.e., not necessary), which is contrary to the legal requirements of 37 CFR 1.116(b).

On January 15, 2008 however, a petition decision was issued (in response to a request filed December 19, 2007 under 37 CFR 1.182) directing the examiner to enter the November 21,

2007 amendment, where the decision was based on patent owner's "*bona fide* effort to advance the prosecution" and as consistent with the special dispatch requirements of 35 U.S.C. 305.

In response to the petition decision, the examiner must now further consider the issues presented in the November 21, 2007. As a result, the examiner finds claims 1-89 patentable for the reasons below.

Patentable Claims

Claims 1-89 of U.S. Patent No. 5,029,183 are patentable.

Reasons for Patentability

The November 21, 2007 amendment, which the examiner has been directed to enter as discussed above, adds new claims 85-89 that incorporate subject matter from various dependent claims (see page 9 of said amendment) that were previously confirmed on pages 16-19 of the non-final Office action, mailed February 9, 2007, and all corresponding intervening claims, into new independent claims. Therefore, see pages 16-19 of said non-final Office action for further details regarding the examiner's statement of reasons for patentability regarding new claims 85-89.

The November 21, 2007 amendment also amends the independent claims to explicitly include special definitions of the terms "base station" and "second station" that the patent owner previously argued were required when interpreting those terms. For example, the base station

cannot initiate data communications with a remote terminal unit in a power save mode of operation so the remote terminal unit can minimize power consumption. See amended claim 1.

Throughout the prosecution history of the reexamination beginning with the first non-final Office action mailed February 14, 2006 and proceeding up until the mandated entry of the November 21, 2007 amendment, the prior art of record in the subject reexamination proceeding was identified and applied to the claims based upon a broader interpretation of the terms “base station” and “second station” than the special definitions now recited in the entered amendment. For example, the closest prior art of record, U.S. Patent No. 4,771,448 (“Koohgoli”), as applied in the final Office action mailed September 21, 2007, fails to disclose the now explicitly claimed feature where a remote terminal unit operates in a “power save mode of operation” in which said base station cannot initiate data communications with said one of said plurality of remote terminal units. See pages 12-14 of the November 21, 2007 amendment for additional details regarding how Koohgoli fails to teach this claimed feature.

Regarding obvious modifications to the Koohgoli base reference, the remaining prior art of record fails to teach or fairly suggest substantially modifying Koohgoli in order to render obvious said limitations now explicitly claimed in the entered amendment. For example, Binder et al. “ALOHA Packet Broadcasting: A Retrospect” AFIPS Notational Computer Conference Proceedings Volume 44 (May 19-22, 1975), pages 203-215, (hereinafter “Binder”), attached as Exhibit “B” to the request for reexamination, filed on July 6, 2005, was identified in said request as teaching that the base station cannot initiate communication with the remote terminal and

suggesting that the terminal may operate in a power save mode of operation. See pages 10 and 13 of said request. Actually however, Binder teaches both a random access channel and a broadcast channel, where the base station initiates contact with the remote terminal via the broadcast channel. Id. 203. Furthermore, the power saving mode operation taught in Binder refers to conserving transmitter of the remote unit (i.e., transmission from the remote unit to the base station). In contrast, the claims now recite a power save mode of operation in which the base station does not initiate data communications with the remote terminal unit (i.e., reception at the remote unit of a signal from the base station).

As discussed above, Binder was incorrectly relied upon in the request to teach a base station that does not initiate communications with the remote terminal. The remaining prior art identified in the request was not relied upon to teach this feature, and indeed fails to do so. Furthermore, the remaining prior art identified in the request fails to teach additional significant claim limitations directed to the first and second window. Thus, the remaining prior art identified in the request fails to remedy the deficiencies of the Koohgoli and Binder prior art references (as applied to the claims) discussed above, and indeed, is cumulative to Koohgoli and Binder. For example, the Fralick and Kleinrock systems merely teach a standard ALOHA system. See, for example, Kleinrock (pp. 1401-1403) and Fralick (pp. 255-257). The ALOHA system described by these references does not disclose that the first time period is selected by the mobile unit (remote terminal unit), nor that the second time period (the response) is the same for at least some of said units. The requester argued in the request that the second limitation is inherent in the ALOHA system, asserting that the patent owner stated as such in arguments

supporting a prior amendment to the claims, specifically that the "claims recite that the fixed time or the time window is the same for all remote units, which would not be possible with the system of the reference where time slots are dictated to separate in time the transmission from remote units." See footnote 7 on page 14 of the request. However, such a disclosure merely establishes that the patent owner considered that feature absent from the time slotted art at issue, not that an unslotted ALOHA system inherently disclosed such a feature. Thus, the Fralick and Kleinrock systems merely teach a standard ALOHA system cumulative to prior art already of record in this reexamination proceeding.

The Carlman reference identified in the request discloses a communication system for a restaurant wherein a mobile station may send communications to a base station at an arbitrary set time and receive communications in response. Carlman does not teach reception of signals during a fixed time window being the same for at least some of the units, or that the first time period is selected by the mobile station.

The Oda and Akahori references cited in the request were described in said request as being merely representative of the technology of Carlman (see page 11 of the request). Thus, said references, like Carlman, are merely cumulative to the record already established in the prosecution of the instant patent.

The above reasons for patentability and/or confirmation are based on the claims as presently set forth in their totality. The above reasons for patentability and/or confirmation

Application/Control Number:
90/007,617
Art Unit: 3992

Page 7

should not be interpreted as indicating that amended claims broadly reciting certain limitations discussed in said reasons would be allowable.

Any comments considered necessary by the Patent Owner regarding the above statement must be submitted promptly to avoid processing delays. Such submission by the Patent Owner should be labeled: "Comments on Statement of Reasons for Patentability and/or confirmation" and will be placed in the reexamination file.

Conclusion

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extension of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving US Patent No. 5,029,183 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

Application/Control Number:
90/007,617
Art Unit: 3992

Page 9

All correspondence relating to this ex parte reexamination proceeding should be directed as follows:

By U.S. Postal Service Mail to:

Mail Stop "Ex Parte Reexam"
ATTN: Central Reexamination Unit
Commissioner for Patents
P. O. Box 1450
Alexandria VA 22313-1450

By FAX to:

(571) 273-9900
Central Reexamination Unit

By hand to:

Customer Service Window
Central Reexamination Unit
Randolph Building, Lobby Level
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Reexamination Legal Advisor or Examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

Signed:



Roland G. Foster
Central Reexamination Unit, Primary Examiner
Electrical Art Unit 3992
(571) 272-7538

Conferees:



MARK J. REINHART
CRU SPE-AU 3992

Application Number



Application/Control No.

90/007,617

**Applicant(s)/Patent under
Reexamination**

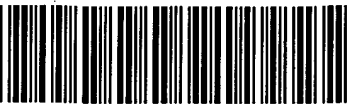
5029183

Examiner


Roland G. Foster

Art Unit

3992

Reexamination 	Application/Control No. 90/007,617	Applicant(s)/Patent Under Reexamination 5029183
	Certificate Date	Certificate Number C1

Requester	Correspondence Address:	<input type="checkbox"/> Patent Owner	<input checked="" type="checkbox"/> Third Party
Edward C. Kwok MacPherson Kwok Chen & Heidi LLP 1762 Technology Dr., Suite 226 San Jose, CA 95110			

LITIGATION REVIEW <input checked="" type="checkbox"/>	<i>R.C.F.</i> (examiner initials)	(date)
Case Name		Director Initials
Symbol Technologies, Inc. v. Proxim Inc. U.S. District - Delaware, 1:01cv801, decided-valid, case closed		<i>Waived for less. Wojcik Wojcik</i> 
Symbol Technologies, Inc. v. Hand Held Products, Inc. and HHP-NC, Inc. U.S. District - Delaware, 1:03cv102, vol. dismissal		
Symbol Technologies, Inc. v. Intermec Technologies Corp., U.S. District - Delaware, 1:05cv147, vol. dismissal		
Symbol Technologies, Inc. v. Ydi Wireless Inc., U.S. District - Delaware, 1:05cv755, vol. dismissal		

COPENDING OFFICE PROCEEDINGS	
TYPE OF PROCEEDING	NUMBER
1. None <i>No concurrent Office proceedings</i>	
2.	
3.	
4.	




UNITED STATES PATENT AND TRADEMARK OFFICE

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

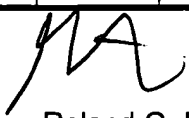
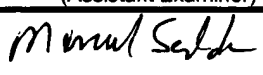
BIB DATA SHEET

CONFIRMATION NO. 7501

SERIAL NUMBER 90/007,617	FILING or 371(c) DATE 07/06/2005 RULE	CLASS 375	GROUP ART UNIT 3992	ATTORNEY DOCKET NO. 2319.065REX0	
APPLICANTS 5029183, Residence Not Provided; Symbol Technologies Inc.(Owner), Houston, TX; Edward C. Kwok(3rd. Pty. Req.), San Jose, CA; Edward C. Kwok, San Jose, CA;					
** CONTINUING DATA ***** This application is a REX of 07/374,452 06/29/1989 PAT 5,029,183					
** FOREIGN APPLICATIONS *****					
** IF REQUIRED, FOREIGN FILING LICENSE GRANTED **					
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Verified and Acknowledged <i>[Signature]</i> Examiner's Signature	<input type="checkbox"/> Met after Allowance Initials	STATE OR COUNTRY	SHEETS DRAWINGS ✓	TOTAL CLAIMS 84	INDEPENDENT CLAIMS 7
ADDRESS STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 UNITED STATES					
TITLE PACKET DATA COMMUNICATION NETWORK					
FILING FEE RECEIVED 2520	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		

Issue Classification 	Application/Control No. 90/007,617	Applicant(s)/Patent under Reexamination 5029183	
	Examiner Roland G. Foster	Art Unit 3992	

ISSUE CLASSIFICATION											
ORIGINAL					CROSS REFERENCE(S)						
CLASS		SUBCLASS			CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)					
375		141			370	338	349				
INTERNATIONAL CLASSIFICATION					375	E1.002					
H	0	4	B	15/00							
				/							
				/							
				/							
				/							

None (Assistant Examiner) (Date)	 Roland G. Foster (Primary Examiner) (Date)	Total Claims Allowed: 89 O.G. Print Claim(s) 11 O.G. Print Fig. 1
 (Legal Instruments Examiner) (Date)		

<input checked="" type="checkbox"/> Claims renumbered in the same order as presented by applicant												<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47	
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original				
1	1	31	31	61	61		91		121		151		181				
2	2	32	32	62	62		92		122		152		182				
3	3	33	33	63	63		93		123		153		183				
4	4	34	34	64	64		94		124		154		184				
5	5	35	35	65	65		95		125		155		185				
6	6	36	36	66	66		96		126		156		186				
7	7	37	37	67	67		97		127		157		187				
8	8	38	38	68	68		98		128		158		188				
9	9	39	39	69	69		99		129		159		189				
10	10	40	40	70	70		100		130		160		190				
11	11	41	41	71	71		101		131		161		191				
12	12	42	42	72	72		102		132		162		192				
13	13	43	43	73	73		103		133		163		193				
14	14	44	44	74	74		104		134		164		194				
15	15	45	45	75	75		105		135		165		195				
16	16	46	46	76	76		106		136		166		196				
17	17	47	47	77	77		107		137		167		197				
18	18	48	48	78	78		108		138		168		198				
19	19	49	49	79	79		109		139		169		199				
20	20	50	50	80	80		110		140		170		200				
21	21	51	51	81	81		111		141		171		201				
22	22	52	52	82	82		112		142		172		202				
23	23	53	53	83	83		113		143		173		203				
24	24	54	54	84	84		114		144		174		204				
25	25	55	55	85	85		115		145		175		205				
26	26	56	56	86	86		116		146		176		206				
27	27	57	57	87	87		117		147		177		207				
28	28	58	58	88	88		118		148		178		208				
29	29	59	59	89	89		119		149		179		209				
30	30	60	60		90		120		150		180		210				

Index of Claims



Application/Control No.

90/007,617

Examiner

Roland G. Foster

Applicant(s)/Patent under Reexamination

5029183

Art Unit

3992

√	Rejected
=	Allowed

-	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date			
Final	Original	2/20/08			
	1	=			
	2	=			
	3	=			
	4	=			
	5	=			
	6	=			
	7	=			
	8	=			
	9	=			
	10	=			
	11	=			
	12	=			
	13	=			
	14	=			
	15	=			
	16	=			
	17	=			
	18	=			
	19	=			
	20	=			
	21	=			
	22	=			
	23	=			
	24	=			
	25	=			
	26	=			
	27	=			
	28	=			
	29	=			
	30	=			
	31	=			
	32	=			
	33	=			
	34	=			
	35	=			
	36	=			
	37	=			
	38	=			
	39	=			
	40	=			
	41	=			
	42	=			
	43	=			
	44	=			
	45	=			
	46	=			
	47	=			
	48	=			
	49	=			
	50	=			

Claim		Date			
Final	Original	2/20/08			
	51	=			
	52	=			
	53	=			
	54	=			
	55	=			
	56	=			
	57	=			
	58	=			
	59	=			
	60	=			
	61	=			
	62	=			
	63	=			
	64	=			
	65	=			
	66	=			
	67	=			
	68	=			
	69	=			
	70	=			
	71	=			
	72	=			
	73	=			
	74	=			
	75	=			
	76	=			
	77	=			
	78	=			
	79	=			
	80	=			
	81	=			
	82	=			
	83	=			
	84	=			
	85	=			
	86	=			
	87	=			
	88	=			
	89	=			
	90	=			
	91	=			
	92	=			
	93	=			
	94	=			
	95	=			
	96	=			
	97	=			
	98	=			
	99	=			
	100	=			

Claim		Date			
Final	Original				
	101				
	102				
	103				
	104				
	105				
	106				
	107				
	108				
	109				
	110				
	111				
	112				
	113				
	114				
	115				
	116				
	117				
	118				
	119				
	120				
	121				
	122				
	123				
	124				
	125				
	126				
	127				
	128				
	129				
	130				
	131				
	132				
	133				
	134				
	135				
	136				
	137				
	138				
	139				
	140				
	141				
	142				
	143				
	144				
	145				
	146				
	147				
	148				
	149				
	150				

Search Notes



Application/Control No.

90/007,617

Examiner

Roland G. Foster

Applicant(s)/Patent under Reexamination

5029183

Art Unit

3992

SEARCHED

Class	Subclass	Date	Examiner

INTERFERENCE SEARCHED

Class	Subclass	Date	Examiner

**SEARCH NOTES
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
Not updated.	2/20/2008	RGF

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO				<i>Complete if Known</i>	
				Reexam Control No.	90/007,617
THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Filed	July 6, 2005
				Applicant	LaRoy TYMES
				Art Unit	3992
				Examiner Name	Foster, Roland G.
				Attorney Docket Number	2319.065REX0
Sheet	1	of	1		

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM/YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
/RF/	US1	4,291,410	09/1981	Caples <i>et al.</i>	
	US2				
	US3				
	US4				
	US5				
	US6				
	US7				
	US8				
	US9				
	US10				
	US11				
	US12				
	US13				
	US14				
	US15				
	US16				
	US17				
	US18				
	US19				
	US20				

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM/YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ² Number ³ Kind Code ⁴ (if known)			
	FP1				
	FP2				
	FP3				
	FP4				
	FP5				
	FP6				
	FP7				
	FP8				
	FP9				

663115_1.DOC

Examiner Signature	/Roland Foster/	Date Considered	09/17/2007
--------------------	-----------------	-----------------	------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 801.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.18 if possible. ⁶ Applicant to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS

U.S. Department of Commerce, Patent and Trademark Office		Atty. Docket No.	Re-Exam Con No.:
		M-16056-RE US	Unassigned
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Applicant(s)	
(Use several sheets if necessary)		LaRoy Tymes	
		Re-Exam Date:	Group
		July 6, 2005	Unassigned

U.S. Patent Documents

*Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
RF	AA	4,479,261	23 Oct. 1984	Oda et al.			
	AB	4,720,710	19 Jan. 1988	Akahori et al.			
	AC	4,777,488	11 Oct. 1988	Carlman, Jr. et al.			
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

RF	AL	Memorandum Order; Symbol Technologies, Inc. v Proxim Incorporated; C.A. No. 01-801-SLR; pages 1-7.					
	AM	Binder et al. "ALOHA Packet Broadcasting: A Retrospect" AFIPS National Computer Conference Proceedings Volume 44 (May 19-22, 1975), pages 203-215.					
	AN	Fralick et al. "Digital Terminals for Packet Broadcasting" AFIPS National Computer Conference (NCC) Proceedings Volume 44 (May 19-22, 1975), pages 253-262.					
	AO	Kleinrock et al. "Packet Switching in Radio Channels: Part I - Carrier Sense Multiple-Access Modes and Their Throughput-Delay Characteristics," IEEE Transactions on Communications, Volume 23, No. 12, December 1975, pages 1400-1416.					
	AP						

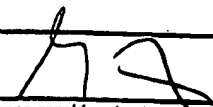
Examiner /Roland Foster/ Date Considered 02/03/2007

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with your communication to applicant.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO				<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	90/007,617
				Filing Date	July 6, 2005
				First Named Inventor	L. Tymes
				Art Unit	2616
				Examiner Name	Hanh Nguyen
Sheet	3	of	3	Attorney Docket Number	2319.065REX0

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume number, publisher, city and/or country where published	T ²
REI	NPL21	Memorandum Order, Symbol Technologies, Inc. v. Proxim Incorporated, CA No. 01-801-SLR, July 30, 2003, pp. 1-7.	
	NPL22	Trial Transcript, Volume E, Symbol Technologies, Inc. V. Proxim Incorporated, C.A. No. 01-801-SLR, September 12, 2003, pp. 1055, 1056, 1092, 1208.	
	NPL23	English Abstract of EP0075310A: Circuit Arrangement for Telecommunication Exchanges, Especially Telephone Exchanges, with Devices for Securing the Transmission of Coded Signals.	
	NPL24	J.S.J. DAKA, et al., "A High Performance Broadcast File Transfer Protocol", SIGCOMM '88 Symposium, Communications Architectures & Protocols, 1988, pp. 274-281.	
	NPL25	S. CHOW, et al., "A Spread Spectrum Modem for Reliable Data Transmission in the High Frequency Band", Second Conference on HF Communication Systems and Techniques, February 15-17, 1982, pp. 125-130.	
	NPL26		
	NPL27		
	NPL28		
	NPL29		

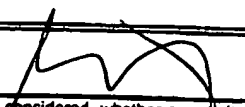
Examiner Signature		Date Considered	2/3/07
--------------------	---	-----------------	--------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.
 This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO				<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	90/007,617
				Filing Date	July 6, 2005
				First Named Inventor	L. Tymes
				Art Unit	2616
				Examiner Name	Hanh Nguyen
Sheet	2	of	3	Attorney Docket Number	2319.065REXO

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume number, publisher, city and/or country where published	T ²
R.C.F.	NPL11	Robert E. KAHN, et al., "Advances in Packet Radio Technology", Proceeding of the IEEE, Volume 66, Number 11, pp. 1468-1496.	
	NPL12	R. BINDER, et al., "ALOHA Packet Broadcasting - A Retrospect", AFIPS Conference Proceedings, 1975 National Computer Conference, May 19 - 22, 1975, pp. 203-215.	
	NPL13	Norman ABRAMSON, "The ALOHA SYSTEM - Another Alternative for Computer Communications", AFIPS Conference Proceedings, Vol. 37, 1970 Fall Joint Computer Conference, Nov. 17 - 19, 1970, pp. 281-285.	
	NPL14	Richard BINDER, et al., "The Alohane Menehune - Version 11", Sponsored by Advanced Research Projects Agency, ARPA Order No. 1956, September 1974, pp 1-55.	
	NPL15	Andrew S. TANENBAUM "Computer Networks" 2 nd Ed., Ch. 3, 1988, pp., 182-193.	
	NPL16	"Digital Terminals for Packet Broadcasting", AFIPS Conference Proceedings, 1975 National Computer Conference, May 19-22, 1975, pp. 254-261.	
	NPL17	MSI PRT Portable Radio Terminal, 2 pages.	
	NPL18	Norman ABRAMSON, "Packet Switching with Satellites", AFIPS Conference Proceedings, 1973 National Computer Conference and Exposition, Volume 42, June 4-8, 1973, pp. 695-702.	
	NPL19	Leonard KLEINROCK, et al., "Random Access Techniques for Data Transmission Over Packet-Switched Radio Channels", AFIPS Conference Proceedings, 1975 National Computer Conference, May 19-22, 1975, pp. 187-201.	
✓	NPL20	The Vectran VR1100 System: Your Link to Productivity, 11 pages.	
Examiner Signature			Date Considered
			2/3/07

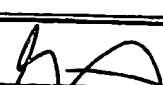
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	90/007,617
				Filing Date	July 6, 2005
				First Named Inventor	L. Tymes
				Art Unit	2616
				Examiner Name	Hanh Nguyen
Sheet	1	of	3	Attorney Docket Number	2319.065REXO

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published	T ²	
R.C.T.	NPL1	Leonard KLEINROCK, et al., "Packet Switching in Radio Channels: Part I - Carrier Sense Multiple-Access Modes and Their Throughput-Delay Characteristics", IEEE Transactions on Communications, Vol. Com-23., No. 12, December 1975, pp. 1400-1416.		
	NPL2	B.S. TSYBAKOV, et al., "Packet Transmission in Radio Networks", Reprinted with permission from Problemy Peredacti Informatsii, vol. 21, no. 1, pp. 80-101, Jan. - March 1985, pp. 330-341.		
	NPL3	Norman ABRAMSON, "The Throughput of Packet Broadcasting Channels", IEEE Transactions on Communication, January 1977, pp. 117-128.		
	NPL4	J.M. WOZENCRAFT, et al., "Coding for Two-Way Channels", Research Laboratory of Electronics and Lincoln Laboratory, Massachusetts Institute of Technology, pp. 11-25.		
	NPL5	Simon S. LAM, et al., "Packet Switching in a Multiaccess Broadcast Channel: Dynamic Control Procedures", Transactions on Communications, Vol. Com - 23, No. 9, September 1975, pp. 891-904.		
	NPL6	Michael J. FERGUSON, "On the Control, Stability, and Waiting Time in a Slotted ALOHA Random-Access System", IEEE Transactions on Communication, November 1975, pp. 1300, 1308 and 1310.		
	NPL7	J.J. SPILKER, Jr. Ph.D., "Digital Communications by Satellite", 1977, pp. 449-450, 452-453 and 468.		
	NPL8	John M. WOZENCRAFT, et al., "Coding For Two-Way Channels", Technical Report 383, January 3, 1961, pp. 1-16.		
	NPL9	Lawrence G. ROBERTS, "Extensions of Packet Communication Technology to a Hand Held Personal Terminal", Spring Joint Computer Conference, 1972, pp. 295-298.		
	NPL10	Mario TOKORO, et al., "Acknowledging Ethernet", pp. 1-6.		
Examiner Signature			Date Considered	2/3/07

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 808. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.
 This collection of information is required by 37 CFR 1.88. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

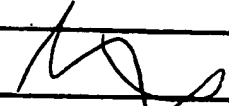
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Application Number	90/007,617
		Filing Date	July 6, 2005
		First Named Inventor	L. Tymes
		Art Unit	2616
		Examiner Name	Hanh Nguyen
Sheet	1	of	1
		Attorney Docket Number	2319.065REX0

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)				
R.C.F.	US1	3,251,034		05/10/1966	GOODE, et al.	
	US2	3,959,589		05/25/1976	von ROESGEN, et al.	
	US3	4,022,973		05/10/1977	STACKHOUSE, et al.	
	US4	4,197,500		04/08/1980	KLEIN, et al.	
	US5	4,418,277		11/29/1983	TREMMELE, et al.	
	US6	4,460,120		07/17/1984	SHEPARD, et al.	
	US7	4,477,809		10/16/1984	BOSE	
	US8	4,661,902		04/28/1987	HOCHSPRUNG, et al.	
	US9	4,673,805		06/16/1987	SHEPARD, et al.	
	US10	4,704,517		11/03/1987	CAMPISI, et al.	
	US11	4,736,095		04/05/1988	SHEPARD, et al.	
	US12	4,758,717		07/19/1988	SHEPARD, et al.	
	US13	4,792,947		12/20/1988	TAKIYASU, et al.	
	US14	4,807,222		02/21/1989	AMITAY	
	US15	4,807,261		02/21/1989	JOHNSON	
	US16	4,857,716		08/15/1989	GOMBRICH, et al.	
	US17	4,910,794		03/20/1990	MAHANY	
	US18	4,928,096		05/22/1990	LEONARDO, et al.	
	US19	4,933,953		06/12/1990	YAGI	
	US20	4,995,053		02/19/1991	SIMPSON, et al.	
	US21	5,006,996		04/09/1991	NAKAMURA, et al.	
	US22	5,010,241		04/23/1991	BUTTERWORTH	
	US23	5,046,066		09/03/1991	MESENGER	
US24						
US25						

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ² Number ³ Kind Code ⁴ (if known)				
R.C.F.	FP1	EP 0075310		03/30/1983	Ulrich HEYLAND, et al.	
	FP2	EP 0 131 663		01/23/1985	Takashi OKADA, et al.	
	FP3	WO 88/04496		06/16/1988	Allyson REED, et al.	
	FP4					

520794_1.DOC

Examiner Signature		Date Considered	2/3/07
--------------------	---	-----------------	--------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. *Applicant's unique citation designation number (optional). * See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. * Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). * For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. * Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. * Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO				Complete if Known			
						Application Number	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Filing Date		July 6, 2005	
				First Named Inventor		L. Tymes	
				Art Unit		2616	
				Examiner Name		Hanh Nguyen	
				Attorney Docket Number		2319.065REX0	
Sheet	1	of	1				

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published	T ²
RF	NPL26	Michael J. FERGUSON, "On the Control, Stability, and Waiting Time in a Slotted ALOHA Random-Access System", IEEE Transactions on Communication, November 1975, pp. 1300, 1308 and 1310.	
	NPL27	Certified Translation of German Patent No. DE 3304451, 21 pages (October 18, 1984 - Date of Publication of Patent).	
	NPL28	English Language Abstract of Japanese Patent Publication No. JP 53-108310, data supplied by espacenet, 1 page (September 21, 1978 - Date of Publication).	
	NPL29	English Language Abstract of Japanese Patent Publication No. JP 55-136733, data supplied by espacenet, 1 page (October 24, 1980 - Date of Publication).	
	NPL30	English Language Abstract of Japanese Patent Publication No. JP 61-071738, data supplied by espacenet, 1 page (April 12, 1986 - Date of Publication).	
	NPL31	English Language Abstract of Japanese Patent Publication No. JP 61-270930, data supplied by espacenet, 1 page (December 1, 1986 - Date of Publication).	
	NPL32	English Language Abstract of Japanese Patent Publication No. JP 63-198438, data supplied by espacenet, 1 page (August 17, 1988 - Date of Publication).	
	NPL33		
	NPL34		

534386_1.DOC

Examiner Signature	/Roland Foster/	Date Considered	02/03/2007
--------------------	-----------------	-----------------	------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO				Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	90/007,617	
				Filing Date	July 6, 2005	
				First Named Inventor	L. Tymes	
				Art Unit	2616	
				Examiner Name	Hanh Nguyen	
Attorney Docket Number	2319.065REX0					
Sheet	1	of	1			

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
RF	US24	4,449,248	05/15/1984	LESLIE, et al.	
	US25				
	US26				
	US27				
	US28				
	US29				
	US30				
	US31				
	US32				
	US33				
	US34				
	US35				
	US36				
	US37				
	US38				
	US39				
	US40				
	US41				
	US42				
	US43				
	US44				
	US45				

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
RF	FP4	DE 3304451	10/1984	KAPPELLER		
	FP5	EP 0 131 662	01/23/1985	RODMAN		X
	FP6	JP 53-108310	09/21/1978	HORUMESU, et al.	Partial Translation Abstract Translation	
	FP7	JP 55-136733	10/24/1980	HARUO, et al.		
	FP8	JP 61-071738	04/12/1986	KENJI, et al.		
	FP9	JP 61-270930	12/01/1986	HIROSHI		
	FP10	JP 63-198438	08/17/1988	MASAKAZU, et al.		

534387_1.DOC

Examiner Signature	/Roland Foster/	Date Considered	02/03/2007
--------------------	-----------------	-----------------	------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. *Applicant's unique citation designation number (optional). * See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. * Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). * For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. * Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. * Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO				Complete if Known			
						SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>	
Application Number		90/007,617		Filing Date		July 6, 2005	
First Named Inventor		L. Tymes		Art Unit		3992	
Examiner Name		Roland G. Foster		Attorney Docket Number		2319.065REX0	
Sheet	1	of	1				

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published	T ²
RF	NPL33	LIN, Shu and COSTELLO, Daniel J., Jr., "ERROR CONTROL CODING: Fundamentals and Applications," Prentice-Hall, Inc., Englewoods Cliffs, NJ, 1983, pp. 458-465.	
	NPL34		
	NPL35		
	NPL36		
	NPL37		
	NPL38		
	NPL39		
	NPL40		
	NPL41		

568253_1.DOC

Examiner Signature	/Roland Foster/	Date Considered	02/03/2007
--------------------	-----------------	-----------------	------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 608. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.
 This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

IDS - 08/09/2006

Equivalent of Form PTO/SB/08A (07-05)

Approved for use through 07/31/2006.

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for Form 1449/PTO				Complete if Known	
SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	90/007,617
				Filing Date	July 6, 2005
				First Named Inventor	L. Tymes
				Art Unit	3992
				Examiner Name	Roland G. Foster
Sheet	1	of	1	Attorney Docket Number	2319.065REX0

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
RF	US25	4,344,171	08-10-1982	LIN, et al.	
	US26	4,654,654	03-31-1987	BUTLER, et al.	
	US27	4,679,244	07-07-1987	KAWASAKI, et al.	
	US28	4,811,379	03-07-1989	GRANDFIELD	
	US29	4,882,770	11-21-1989	MIYAHIRA, et al.	
	US30	4,940,963	07-10-1990	GUTMAN, et al.	
	US31	4,979,168	12-18-1990	COURTOIS, et al.	
	US32	5,020,093	05-28-1991	PIREH	
	US33				
	US34				
	US35				
	US36				
	US37				
	US38				
	US39				
	US40				
	US41				
	US42				
	US43				
	US44				
	US45				

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁴
		Country Code ³ Number ³ Kind Code ³ (if known)				
RF	FP11	EP 0 303 020	02-15-1989	UEHARA		
	FP12	EP 0 314 217	05-03-1989	COURTOIS, et al.		
	FP13	EP 0 319 219	06-07-1989	MURAI, et al.		

568249_1.DOC

Examiner Signature	/Roland Foster/	Date Considered	02/03/2007
--------------------	-----------------	-----------------	------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * Applicant's unique citation designation number (optional). * See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 601.04. * Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). * For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. * Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.18 if possible. * Applicant is to place a check mark here if English language Translation is attached.
 This collection of information is required by 37 CFR 1.97 and 1.88. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
 If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

U.S. Department of Commerce, Patent and Trademark Office		Atty. Docket No.	Re-Exam Con No.:
		M-16056-RE US	Unassigned
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Applicant(s)	
(Use several sheets if necessary)		LaRoy Tymes	
		Re-Exam Date:	Group 2668
		July 6, 2005	Unassigned

U.S. Patent Documents

*Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
AN	AA	4,479,261	23 Oct. 1984	Oda et al.			
AN	AB	4,720,710	19 Jan. 1988	Akahori et al.			
AN	AC	4,777,488	11 Oct. 1988	Carlman, Jr. et al.			
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AN	AL	Memorandum Order; Symbol Technologies, Inc. v Proxim Incorporated; C.A. No. 01-801-SLR; pages 1-7.					
AN	AM	Binder et al. "ALOHA Packet Broadcasting: A Retrospect" AFIPS National Computer Conference Proceedings Volume 44 (May 19-22, 1975), pages 203-215.					
AN	AN	Fralick et al. "Digital Terminals for Packet Broadcasting" AFIPS National Computer Conference (NCC) Proceedings Volume 44 (May 19-22, 1975), pages 253-262.					
AN	AO	Kleinrock et al. "Packet Switching in Radio Channels: Part I - Carrier Sense Multiple-Access Modes and Their Throughput-Delay Characteristics," IEEE Transactions on Communications, Volume 23, No. 12, December 1975, pages 1400-1416.					
	AP						

Examiner **H. Ngoma** Date Considered **1/26/06**

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with your communication to applicant.

Notice of References Cited	Application/Control No. 90/007,617	Applicant(s)/Patent Under Reexamination 5029183	
	Examiner Hanh Nguyen	Art Unit 2668	Page 1 of 1

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A US-4,612,637	09-1986	Davis et al.	370/348
*	B US-4,479,261	10-1984	Oda et al.	455/343.3
*	C US-4,777,488	10-1988	Carlman et al.	340/825.72
*	D US-4,587,661	05-1986	Schiff, Leonard N.	375/141
*	E US-4,771,448	09-1988	Koohgoli et al.	455/450
*	F US-4,332,027	05-1982	Malcolm et al.	370/448
	G US-			
	H US-			
	I US-			
	J US-			
	K US-			
	L US-			
	M US-			

FOREIGN PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N				
	O				
	P				
	Q				
	R				
	S				
	T				

NON-PATENT DOCUMENTS

*	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U
	V
	W
	X

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



US005029183C1

(12) **EX PARTE REEXAMINATION CERTIFICATE (6452nd)**
United States Patent
Tymes

(10) **Number:** US 5,029,183 C1
(45) **Certificate Issued:** Sep. 30, 2008

(54) **PACKET DATA COMMUNICATION NETWORK**

4,587,661 A * 5/1986 Schiff 375/141
4,612,637 A * 9/1986 Davis et al. 370/348
4,654,654 A 3/1987 Butler et al.
4,661,902 A 4/1987 Hochsprung et al.
4,673,805 A 6/1987 Shepard et al.

(75) **Inventor:** LaRoy Tymes, Palo Alto, CA (US)

(73) **Assignee:** JPMorgan Chase Bank, N.A., New York, NY (US)

(Continued)

Reexamination Request:

No. 90/007,617, Jul. 6, 2005

Reexamination Certificate for:

Patent No.: 5,029,183
Issued: Jul. 2, 1991
Appl. No.: 07/374,452
Filed: Jun. 29, 1989

Certificate of Correction issued Mar. 2, 1993.

Certificate of Correction issued Apr. 6, 1993.

(51) **Int. Cl.**
H04B 15/00 (2006.01)

(52) **U.S. Cl.** 375/141; 370/338; 370/349;
375/E1.002

(58) **Field of Classification Search** 370/348,
370/445, 329, 331, 441, 311, 448; 455/343.3,
455/450; 375/141, 147; 340/825.72
See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

- 3,251,034 A 5/1966 Goode et al.
- 3,959,589 A 5/1976 von Roesgen et al.
- 4,022,973 A 5/1977 Stackhouse et al.
- 4,197,500 A 4/1980 Klein et al.
- 4,291,410 A 9/1981 Caples et al.
- 4,332,027 A * 5/1982 Malcolm et al. 370/448
- 4,344,171 A 8/1982 Lin et al.
- 4,418,277 A 11/1983 Tremmel et al.
- 4,449,248 A 5/1984 Leslie et al.
- 4,460,120 A 7/1984 Shepard et al.
- 4,477,809 A 10/1984 Bose
- 4,479,261 A * 10/1984 Oda et al. 455/343.3

FOREIGN PATENT DOCUMENTS

DE	3304451	10/1984
EP	0075310	3/1983
EP	0 131 662	1/1985
EP	0 131 663	1/1985
EP	0 303 020	2/1989
EP	0 314 217	5/1989
EP	0 319 219	6/1989
JP	53-108310	9/1978
JP	55-136733	10/1980
JP	61-071738	4/1986
JP	61-270930	12/1986
JP	63-98438	8/1988
WO	WO 88/04496	6/1988

OTHER PUBLICATIONS

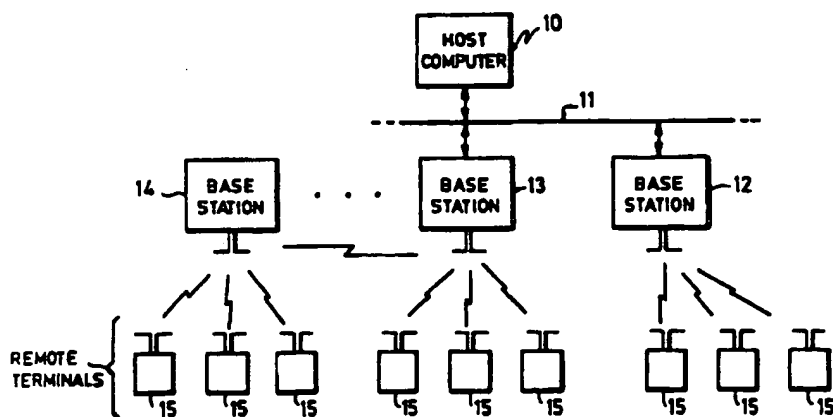
"Digital Terminal for Packet Broadcasting", AFIPS Conference Proceedings, 1975 National Computer Conference, May 19-22, 1975, pp. 254-261.

(Continued)

Primary Examiner—Roland G. Foster

(57) **ABSTRACT**

A packet data transmission system is used to link a number of remote hand-held data-gathering units such as bar code readers to a central computer which maintains a database management system. Data packets are sent from the remote units by an RF link to intermediate base stations, then sent by the base stations to the central computer by a serial link. Direct sequence spread spectrum modulation is used for the RF link. The remote hand-held units initiate an exchange using RF transmission to and from the base stations, receiving only during a rigid time window following a transmission from the remote unit. The base stations cannot initiate communication to the remote units, but instead send data to the remote units only as part of the exchange.



U.S. PATENT DOCUMENTS

4,679,244	A	7/1987	Kawasaki et al.	
4,704,517	A	11/1987	Campisi et al.	
4,720,710	A	1/1988	Akahori et al.	
4,736,095	A	4/1988	Shepard et al.	
4,758,717	A	7/1988	Shepard et al.	
4,771,448	A	* 9/1988	Koohgoli et al.	455/450
4,777,488	A	* 10/1988	Carlman et al.	340/825.72
4,792,947	A	12/1988	Takiyasu et al.	
4,807,222	A	2/1989	Amitay	
4,807,261	A	2/1989	Johnson	
4,811,379	A	3/1989	Grandfield	
4,857,716	A	8/1989	Gombrich et al.	
4,882,770	A	11/1989	Miyahira et al.	
4,910,794	A	3/1990	Mahany	
4,928,096	A	5/1990	Leonardo et al.	
4,933,953	A	6/1990	Yagi	
4,940,963	A	7/1990	Gutman et al.	
4,979,168	A	12/1990	Courtois et al.	
4,995,053	A	2/1991	Simpson et al.	
5,006,996	A	4/1991	Nakamura et al.	
5,010,241	A	4/1991	Butterworth	
5,020,093	A	5/1991	Pireh	
5,046,066	A	9/1991	Messenger	

OTHER PUBLICATIONS

- Lin, Shu and Costello, Daniel J., Jr., "Error Control Coding: Fundamentals and Applications," Prentice-Hall, Inc., Englewood Cliffs, NJ, 1983, pp. 458-465.
- Michael J. Ferguson, "On the Control, Stability, and Waiting Time in a Slotted Aloha Random-Access System", IEEE Transactions on Communication, Nov. 1975, pp. 1300, 1308 and 1310.
- Certified Translation of a German Patent No. DE 3304451, 21 pages (Oct. 18, 1984—Date of Publication of Patent).
- English Language Abstract of Japanese Patent Publication No. JP 53-103810, data supplied by espacenet, 1 page (Sep. 21, 1978—Date of Publication).
- English Language Abstract of Japanese Patent Publication No. JP 55-136733, data supplied by espacenet, 1 page (Oct. 24, 1980—Date of Publication).
- English Language Abstract of Japanese Patent Publication No. JP 61-071738, data supplied by espacenet, 1 page (Apr. 12, 1986—Date of Publication).
- English Language Abstract of Japanese Patent Publication No. JP 61-270930, data supplied by espacenet, 1 page (Dec. 1, 1986—Date of Publication).
- English Language Abstract of Japanese Patent Publication No. JP 63-198438, data supplied by espacenet, 1 page (Aug. 17, 1988—Date of Publication).
- Leonard Kleinrock, et al., "Packet Switching in Radio Channels: Part I—Carrier Sense Multiple-Access Modes and Their Throughput-Delay Characteristics", IEEE Transactions on Communications, vol. Com-23, No. 12, Dec. 1975, pp. 1400-1416.
- B.S. Tsybakov, et al., "Packet Transmission in Radio Networks", Reprinted with permission from Problemy Peredachi Informatsii, vol. 21, No. 1, pp. 80-101, Jan.-Mar. 1985, pp. 330-341.
- Norman Abramson, "The Throughput of Packet Broadcasting Channels", IEEE Transactions on Communication, Jan. 1977, pp. 117-128.
- J.M. Wozencraft, et al., "Coding for Two-Way Channels", Research Laboratory of Electronics and Lincoln Laboratory, Massachusetts Institute of Technology, pp. 11-25.
- Simon S. Lam, et al., "Packet Switching in a Multiaccess Broadcast Channel: Dynamic Control Procedures", Transactions on Communications, vol. Com - 23, No. 9, Sep. 1975, pp. 891-904.
- J.J. Spilker, Jr. Ph.D., "Digital Communications by Satellite", 1977, pp. 449-450, 452-453 and 468.
- John M. Wozencraft, et al., "Coding For Two-Way Channels", Technical Report 383, Jan. 3, 1961, pp. 1-16.
- Lawrence G. Roberts, "Extensions of Packet Communication Technology to a Hand Held Personal Terminal", Spring Joint Computer Conference, 1972, pp. 295-298.
- Mario Tokoro, et al., "Acknowledging Ethernet", pp. 1-6.
- Robert E. Kahn, et al., "Advances in Packet Radio Technology", Proceeding of the IEEE, vol. 66, No. 11, pp. 1468-1496.
- R. Binder, et al., "Aloha Packet Broadcasting—A Retrospect", AFIPS Conference Proceedings, 1975 National Computer Conference, May 19-22, 1975, pp. 203-215.
- Norman Abramson, "The Aloha System—Another Alternative for Computer Communications", AFIPS Conference Proceedings, vol. 37, 1970 Fall Joint Computer Conference, Nov. 17-19, pp. 281-285.
- Richard Binder, et al., "The Alohanet Menhune—Version 11", Sponsored by Advanced Research Projects Agency, ARPA Order No. 1956, Sep. 1974, pp. 1-55.
- Andrew S. Tanenbaum "Computer Networks" 2nd Ed., Ch. 3, 1988, pp. 182-193.
- MSI PRT Portable Radio Terminal, 2 pages.
- Norman Abramson, "Packet Switching with Satellites", AFIPS Conference Proceedings, 1973 National Computer Conference and Exposition, vol. 42, Jun. 4-8, 1973, pp. 695-702.
- Leonard Kleinrock, et al., "Random Access Techniques for Data Transmission Over Packet-Switched Radio Channels", AFIPS Conference Proceedings, 1975 National Computer Conference, May 19-22, 1975, pp. 187-201.
- The Vectran VR1100 System: Your Link to Productivity, 11 pages.
- Memorandum Order, *Symbol Technologies, Inc. v. Proxim Incorporated*, CA No. 01-801-SLR, Jul. 30, 2003, pp. 1-7.
- Trial Transcript, vol. E, *Symbol Technologies, Inc. v. Proxim Incorporated*, C.A. No. 01-801-SLR, Sep. 12, 2003, pp. 1055, 1056, 1092, 1208.
- English Abstract of EP0075310A: Circuit Arrangement for Telecommunication Exchanges, Especially Telephone Exchanges, with Devices for Securing the Transmission of Coded Signals.
- J.S.J. Daka, et al., "A High Performance Broadcast File Transfer Protocol", SIGCOMM '88 Symposium, Communication Architectures & Protocols, 1988, pp. 274-281.
- S. Chow, et al., "A Spread Spectrum Modem for Reliable Data Transmission in the High Frequency Band", Second Conference on HF Communication Systems and Techniques, Feb. 15-17, 1982, pp. 125-130.
- Fralick et al. "Digital Terminals for Packet Broadcasting" AFIPS National Computer Conference (NCC) Proceedings vol. 44 (May 19-22, 1975), pp. 253-262.
- Kleinrock et al. "Packet Switching in Radio Channels: Part I—Carrier Sense Multiple-Access Modes and Their Throughput-Delay Characteristics," IEEE Transactions on Communications, vol. 23, No. 12, Dec. 1975, pp. 1400-1416.

* cited by examiner

1
EX PARTE
REEXAMINATION CERTIFICATE
ISSUED UNDER 35 U.S.C. 307

THE PATENT IS HEREBY AMENDED AS
INDICATED BELOW.

Matter enclosed in heavy brackets [] appeared in the patent, but has been deleted and is no longer a part of the patent; matter printed in italics indicates additions made to the patent.

AS A RESULT OF REEXAMINATION, IT HAS BEEN DETERMINED THAT:

The patentability of claims 70-84 is confirmed.

Claims 1, 21, 40, 50 and 60 are determined to be patentable as amended.

Claims 2-20, 22-39, 41-49, 51-59 and 61-69, dependent on an amended claim, are determined to be patentable.

New claims 85-89 are added and determined to be patentable.

1. A method of transmitting data packets from one of a plurality of remote terminal units *in a power save mode of operation* to a base station, comprising the steps of:

- (a) transmitting a data packet from said one unit to said base station during a first time period selected by the unit;
- (b) receiving at said one unit from said base station an acknowledge signal during a second time period occurring only a fixed time delay after said first time period, said second time period being the same for at least some of said units,

wherein steps (a) and (b) are performed during said power save mode of operation in which said base station cannot initiate data communications with said one of said plurality of remote terminal units.

21. A system for transmitting data packets from one of a plurality of first stations to a second station *wherein said plurality of first stations have a power save mode of operation in which said second station cannot initiate data communications with said plurality of first stations*, comprising:

- (a) a transmitter in said one first station for transmitting a data packet from said one first station to the second station during a first time period selected by said one first station;
- (b) a receiver in said one first station for receiving an acknowledge signal from the second station during a second time period occurring only in a time window referenced to said first time period by a fixed delay, said fixed delay being the same for all said plurality of first stations,

wherein said transmitting and receiving are performed during said power save mode of operation.

40. A method of data transmission between a plurality of terminals *in a power save mode of operation* and a base station, comprising the steps of:

- (a) transmitting a data packet from one of said terminals to said base station at a time selected by said one of said terminals, the data packet including identification of said one of the terminals; transmitting an acknowledge-

2

ment from the base station to said one of said terminals in a predetermined time window, at least part of said predetermined time window being the same for all of said terminals, said acknowledgement including identification of said terminal; *and*

[(c)] (b) receiving said acknowledgement at said one terminal during said predetermined time window, *wherein steps (a) and (b) are performed during said power save mode of operation in which said base station cannot initiate data communications with said one of said plurality of remote terminal units.*

50. A data communication system comprising:

- (a) a host computer including a data communication input/output port;
- (b) a plurality of base stations; each base station having a data communication input/output port; said data communication input/output ports of the host computer and at least one of said base stations being connected by a data communications link; each of the base stations having an RF transmitter/receiver responsive to received encoded RF signal packets and transmitting RF acknowledge signal packets; each of the base stations producing digital data corresponding to said received encoded RF signal packets, and storing said digital data for transferring to said host computer via said data communication input/output port and said data communications link;
- (c) a plurality of remote units *having a power save mode of operation*, each remote unit located for sending said encoded RF signal packets to one of said base stations at a time selected by the remote unit and receiving said RF acknowledge signal packets from one of said base stations in a fixed time window *during said power save mode of operation*, each of the remote units having:
 - (i) a memory for storing data from a local data source, and a processor for transferring data to and from the memory;
 - (ii) an RF transmitter/receiver having a modulator for modulating an outgoing carrier with data from said memory to produce said encoded RF signal packets, and a detector responsive to RF signals received by said RF transmitter/receiver to detect RF acknowledge signal packets from the base station in said fixed time window,

wherein said plurality of base stations cannot initiate data communications with said plurality of remote terminal units during said power save mode of operation.

60. A data communication system comprising:

- (a) at least one base station; each base station having an RF transmitter/receiver responsive to encoded RF signal packets and producing RF acknowledge packets; each base station decoding said encoded RF signal packets received by said RF transmitter/receiver and producing digital data corresponding thereto;
- (b) a plurality of remote units *having a power save mode of operation*, each located for sending said encoded RF signal packets to at least one of said base stations and receiving said RF acknowledge packets from one of said base stations *during said power save mode of operation*, each of the remote units having:
 - (i) a data source, a memory for storing data from the data source, and a processor for transferring data to and from the memory;
 - (ii) an RF transmitter/receiver producing said encoded RF signal packets containing data from said memory and detecting said RF acknowledge packets from a

3

base station to load data from detected packets to said memory, wherein said RF transmitter/receiver in said remote unit is activated for detecting an RF acknowledge packet only during a fixed time window following transmission of an encoded RF signal packet,

wherein said plurality of base stations cannot initiate data communications with said plurality of remote terminal units during said power save mode of operation.

85. A method of data transmission between a plurality of terminals and a base station, comprising the steps of:

forming a data packet in a memory by expanding a multi-byte packet to create an expanded packet then producing in said memory an exclusive-OR of said expanded packet and a fixed pseudorandom sequence of bits;

transmitting said data packet from one of said terminals to said base station at a time selected by said one of said terminals, the data packet including identification of said one of the terminals; transmitting an acknowledgement from the base station to said one of said terminals in a predetermined time window, at least part of said predetermined time window being the same for all of said terminals, said acknowledgement including identification of said terminal; and

receiving said acknowledgement at said one terminal during said predetermined time window,

wherein said transmitting is by wireless RF, wherein said RF is modulated by the spread spectrum technique, and

wherein said spread spectrum technique employs a sequence of frequency shifts between two frequencies.

86. A method according to claim 85 wherein said multi-byte packet includes the results of reading a bar code symbol.

87. A data communication system comprising:

(a) a host computer including a data communication input/output port;

(b) a plurality of base stations; each base station having a data communication input/output port; said data communication input/output ports of the host computer and at least one of said base stations being connected by a data communications link; each of the base stations having an RF transmitter/receiver responsive to received encoded RF signal packets and transmitting RF acknowledge signal packets; each of the base stations producing digital data corresponding to said received encoded RF signal packets, and storing said digital data for transferring to said host computer via said data communication input/output port and said data communications link;

(c) a plurality of remote units, each remote unit located for sending said encoded RF signal packets to one of said base stations at a time selected by the remote unit and receiving said RF acknowledge signal packets from one of said base stations in a fixed time window, each of the remote units having:

(i) a memory for storing data from a local data source, and a processor for transferring data to and from the memory;

(ii) an RF transmitter/receiver having a modulator for modulating an outgoing carrier with data from said memory to produce said encoded RF signal packets, and a detector responsive to RF signals received by said RF transmitter/receiver to detect RF acknowledge signal packets from the base station in said fixed time window;

4

wherein each one of said remote units is identified by a unique identifying code contained in said encoded RF signals transmitted by the remote unit, and wherein said base stations are responsive to said unique identifying code to allow only one of the base stations to send said RF acknowledge signals to each separate remote unit,

wherein each one of said base stations is responsive to all of the encoded RF signals from all of the remote units within range, and detects the number of errors occurring in reception from each one of the remote units in said encoded RF signals, and

wherein a representation of said number of errors is transmitted to other of said base stations via said communication link to specify the unique codes of remote units each base station is to be responsive to by sending said RF acknowledge signals, said information being derived from said representation of number of errors.

88. A system according to claim 87 wherein at least some of said remote units are hand-held bar code readers.

89. A data communication system comprising:

(a) at least one base station; each base station having an RF transmitter/receiver responsive to encoded RF signal packets and producing RF acknowledge packets; each base station decoding said encoded RF signal packets received by said RF transmitter/receiver and producing digital data corresponding thereto;

(b) a plurality of remote units each located for sending said encoded RF signal packets to at least one of said base stations and receiving said RF acknowledge packets from one of said base stations, each of the remote units having:

(i) a data source, a memory for storing data from the source, and a processor for transferring data to and from the memory;

(ii) an RF transmitter/receiver producing said encoded RF signal packets containing data from said memory and detecting said RF acknowledge packets from a base station to load data from detected packets to said memory, wherein said RF transmitter/receiver in said remote unit is activated for detecting an RF acknowledge packet only during a fixed time window following transmission of an encoded RF signal packet,

wherein said RF transmitter/receiver in said remote unit is activated by said processor for detecting said RF acknowledge packet only during a fixed time window following transmission of said encoded RF signal packet,

wherein said RF transmitter/receiver in a remote unit sends said RF signal packet only after receiving to detect any other RF signal from another remote unit which may be present,

wherein said base station decodes said RF signal packet while said RF signal packet is being received, and said remote unit decodes said RF acknowledge signal after said RF acknowledge signal has been received by accessing said memory via said processor, and

wherein said base station decodes said RF signal packet by loading detected data corresponding to the signal serially into a register and decoding bits of said register in parallel.

* * * * *