

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte MARKKU VIMPARI

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Appeal No. 2002-1435  
Application No. 08/861,213

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ON BRIEF

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Before BARRY, LEVY, and BLANKENSHIP, Administrative Patent Judges.

BLANKENSHIP, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 18-35, which are all the claims remaining in the application.

We affirm-in-part.

BACKGROUND

The invention is directed to method and apparatus for controlling a data transfer operation between terminal equipment and base stations in wireless local loop (WLL) systems. Claim 18 is reproduced below.

18. A method for forming a connection between a WLL (Wireless Local Loop) data transfer system and a subscriber station, wherein

the subscriber station is one of at least two subscriber stations connected to a terminal equipment, and

a radio connection is formed between the terminal equipment and the data transfer system for said connection,

and wherein

subscriber station information concerning the subscriber stations connected to the terminal equipment is stored, and

a data transfer procedure of the radio connection between the terminal equipment and the data transfer system is selected on the basis of said subscriber station information.

The examiner relies on the following references:

Åkerberg et al. (Åkerberg) <sup>1</sup>	5,533,027	Jul. 2, 1996 (filed Aug. 28, 1995)
Vucetic et al. (Vucetic)	5,819,177	Oct. 6, 1998 (filed Mar. 20, 1996)

Claims 18-23 and 26-35 stand rejected under 35 U.S.C. § 102 as being anticipated by Vucetic.

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<sup>1</sup> The Examiner's Answer erroneously refers to Åkerberg as U.S. Patent 5,748,610. U.S. Patent 5,748,610 issued to Bustamente et al., and was applied as a reference in an earlier rejection.

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Claims 24 and 25 stand rejected under 35 U.S.C. § 103 as being unpatentable over Vucetic and Åkerberg.

A rejection under 35 U.S.C. § 112 has been withdrawn after entry of an amendment after the final rejection.

We refer to the Final Rejection (Paper No. 6) and the Examiner's Answer (Paper No. 13) for a statement of the examiner's position and to the Brief (Paper No. 12) and the Reply Brief (Paper No. 14) for appellant's position with respect to the claims which stand rejected.

## OPINION

### Grouping of Claims

Based on arguments presented, we select claims 18, 19, and 24 as representative. We select the claims based on the arguments, rather than the groupings alleged at page 5 of the Brief. See 37 CFR § 1.192(c)(7). See also In re McDaniel, 293 F.3d 1379, 1383, 63 USPQ2d 1462, 1465 (Fed. Cir. 2002) ("If the brief fails to meet either requirement [of 37 CFR § 1.192(c)(7)], the Board is free to select a single claim from each group of claims subject to a common ground of rejection as representative of all claims in that group and to decide the appeal of that rejection based solely on the selected representative claim.").

Section 102 rejection of claims 18-23 and 26-35

Appellant traverses the rejection of claims 18-23 and 26-35 as being anticipated by Vucetic. The rejection reads the “subscriber station information” on the dialing rule database described by the reference. According to appellant, however, Vucetic fails to show a data transfer procedure of the radio connection between the terminal equipment and the data transfer system being selected on the basis of the subscriber station information, as expressed in instant claim 18.

Although appellant’s arguments suggest otherwise, appellant’s “Summary of the Invention” in the Brief does not point out any particular difference in the radio connection per se on the basis of the subscriber station information. Nor do we find any description of such in the instant disclosure. For example, as shown in instant Figures 3 and 4, and described at pages 7 and 8 of the specification, telephone or telefax is selected, based on subscriber station information, by control of switches 416, 417, rather than by adjusting RF part 413.

Vucetic describes “dialing rules,” and provides an example of an “end of dialing sequence” that may detect the end of the dialing sequence for “911.” Vucetic further describes type of dialing rules that may be created, such as:

autodial options that enable the WT [wireless terminal] to immediately dial a number when an off hook condition is sensed, sending of a signal to an operator when an interdigit time out interval of a particular duration is sensed as well as other dialing rules allowing the recognition of long distance numbers, the interposing of telephone credit card accounts, and other flexible functions associated with dialing.

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Vucetic col. 5, ll. 58-64. The wireless terminal applies the pertinent dialing rules and sends the dialed number to the base station, according to the rules in effect. Col. 6, ll. 5-27; Fig. 3.

Although we appreciate the differences between appellant's invention as disclosed and the disclosure of Vucetic, we agree with the examiner that the instant claims are so broad as to embrace the system of Vucetic within their scope. A selected "data transfer procedure" as set forth by instant claim 18 requires no more than giving effect to the dialing rules as described by Vucetic.

Appellant further argues there is no selection based on a "connection identifier," as recited in representative claim 19. The examiner responds (Answer at 6) that the dialing information of Vucetic "contains the information (identifier) of attached subscribers i.e. phone, fax, and computer."

Instant claim 19 requires "at least two" connection identifiers. Figure 2 of Vucetic shows parallel connections from phone line interface 26 to the subscriber equipment. We find no disclosure of separate identifiers for the equipment. We are persuaded by appellant that the rejection of claim 19 is erroneous.

We thus sustain the section 102 rejection of claims 18 and 26-35. We do not sustain the rejection of claim 19, nor of the claims incorporating the limitations of 19 (i.e., claims 20-23).

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Section 103 rejection of Claims 24 and 25

Because we are persuaded of error in the rejection of claim 19, and Åkerberg fails to remedy the deficiencies with respect to Vucetic, we do not sustain the section 103 rejection of claims 24 and 25, which depend from claim 19.

CONCLUSION

The rejection of claims 18 and 26-35 under 35 U.S.C. § 102 as being anticipated by Vucetic is affirmed. The rejection of claims 19-23 under 35 U.S.C. § 102 as being anticipated by Vucetic is reversed. The rejection of claims 24 and 25 under 35 U.S.C. § 103 as being unpatentable over Vucetic and Åkerberg is reversed.

The examiner's decision in rejecting claims 18-35 is thus affirmed-in-part.

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No time period for taking any subsequent action in connection with this appeal  
may be extended under 37 CFR § 1.136(a).

AFFIRMED-IN-PART

LANCE LEONARD BARRY	)	
Administrative Patent Judge	)	
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	)	
	)	
	)	BOARD OF PATENT
STUART S. LEVY	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
	)	
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	)	
HOWARD B. BLANKENSHIP	)	
Administrative Patent Judge	)	

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