

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GREGORY E. BOTTOMLEY

Appeal No. 2004-0925
Application 09/204,734

ON BRIEF

Before KRASS, OWENS, and NAPPI, *Administrative Patent Judges*.
OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

This appeal is from the examiner's refusal to allow claims 1, 5, 7-9, 12, 16, 18-20, 23, 27 and 29-31 as amended after final rejection. Claims 6, 28 and 34-39 have been allowed. Claim 17, which is the only other pending claim, stands objected to as dependent upon a rejected base claim but allowable if rewritten in independent form.

THE INVENTION

The appellant claims a method and system for processing spread spectrum signals from a plurality of traffic channels and a plurality of pilot channels. Claim 1, which claims the method, is illustrative:

1. A method of processing spread spectrum signals from a plurality of traffic channels and a plurality of pilot channels, comprising the steps of:

receiving data samples from the plurality of traffic channels and the plurality of pilot channels;

correlating the received data samples to spreading codes to produce pilot despread values and traffic despread values;

forming scale factors corresponding to the relative strengths of the plurality of traffic channels and the plurality of pilot channels;

scaling the pilot despread values by the scale factors to form scaled pilot despread values;

estimating channel responses using the scaled pilot despread values to produce channel coefficient estimates;

combining the traffic despread values, using the channel coefficient estimates, to obtain detection statistics that correspond to the relative strengths of the plurality of traffic channels and the plurality of pilot channels.

THE REFERENCE

Bruckert et al. (Bruckert) 5,812,542 Sep. 22, 1998

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THE REJECTION

Claims 1, 5, 7-9, 12, 16, 18-20, 23, 27 and 29-31 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Bruckert.

OPINION

We affirm the aforementioned rejection.

The appellant states that the claims stand or fall together (brief, page 3). We therefore limit our discussion to one claim, i.e., claim 1. See *In re Ochiai*, 71 F.3d 1565, 1566 n.2, 37 USPQ2d 1127, 1129 n.2 (Fed. Cir. 1995); 37 CFR § 1.192(c)(7)(1997).

Bruckert discloses a method for processing spread spectrum signals from a plurality of traffic channels and a plurality of pilot channels (col. 5, lines 50-54; col. 8, line 21). Traffic signals and pilot signals are received using rake fingers and are despread (col. 8, line 65 - col. 9, line 6). Factors Y_j are formed which correspond to the relative power of the traffic and pilot signals (col. 9, lines 63-65). The pilot despread values (p_1, p_2, p_3) are multiplied by factors Y_j and the result is used

to produce complex weighting coefficients (c_1 , c_2 , c_3) (col. 9, lines 39-61). The traffic despread values are combined using the complex weighting coefficients (col. 11, lines 5-16).

The appellant argues that Bruckert's complex weighting coefficients are not channel coefficient estimates, and that Bruckert uses the term "channel coefficients" (col. 12, lines 7 and 9) only in a second embodiment which is different from that in which the complex weighting coefficients are obtained (reply brief, page 2). In the second embodiment Bruckert refers to the c_i as "weighting coefficients" (col. 11, lines 34-35; col. 13, lines 17 and 21-22), "combining coefficients" (col. 12, line 5), "channel coefficients" (col. 12, lines 7 and 9), and "coefficients" (col. 12, line 16). Thus, Bruckert indicates that his weighting coefficients properly can be considered channel coefficients. Moreover, the appellant's specification indicates that like Bruckert's coefficients, the appellant's channel coefficients are complex coefficients and function as weighting coefficients (page 7, lines 6-12; page 8, lines 26-28). The record, therefore, indicates that Bruckert's complex weighting coefficients are the same as the appellant's channel coefficients.

The appellant argues that "Bruckert instructs that estimates are formed at step 259 which are used to form weighting coefficients at step 261, and that are **later used to weight traffic channels**. Bruckert does not describe or suggest either a **scaling of pilot despread values**, or performing such **scaling before estimating channel responses**, as recited in Claim 1" (brief, page 6). The estimates that Bruckert obtains at step 259 are pilot signal estimates (col. 9, lines 26-35). Bruckert's step (261) of multiplying the pilot despread values by Y_j and using the results to produce complex weighting coefficients (col. 9, lines 39-65) corresponds to the appellant's steps of scaling pilot despread values by scale factors to form scaled pilot despread values and estimating channel responses using the scaled pilot despread values to produce channel coefficient estimates.

For the above reasons, we find that the method claimed in the appellant's claim 1 is anticipated by Bruckert. Accordingly, we affirm the rejection of that claim and claims 5, 7-9, 12, 16, 18-20, 23, 27 and 29-31 that stand or fall therewith.

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DECISION

The rejection of claims 1, 5, 7-9, 12, 16, 18-20, 23, 27 and 29-31 under 35 U.S.C. § 102(e) over Bruckert is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 35 U.S.C. § 1.136(a).

AFFIRMED

ERROL A. KRASS)	
Administrative Patent Judge)	
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TERRY J. OWENS)	APPEALS AND
Administrative Patent Judge)	
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ROBERT E. NAPPI)	
Administrative Patent Judge)	

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Myers Bigel Sibley & Sajovec
P.O. Box 37428
Raleigh, N.C. 27627