

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. 28

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RAJARAN RAMESH and
GREGORY E. BOTTOMLEY

Appeal No. 2004-0991
Application No. 09/152,063

ON BRIEF

Before THOMAS, HAIRSTON, and KRASS, Administrative Patent Judges.
HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal of the rejection of claims 25 through 27, 29 through 37, 39, 40, 42 through 46 and 48. Claims 28, 38, 41 and 47 have been objected to as depending from rejected base claims, but would be allowable if rewritten in independent claim form including all of the limitations of the base claims and any intervening claims.

OPINION

We have carefully considered the entire record before us, and we will sustain the anticipation rejection of claims 25 through 27, 29 through 37 and 42 through 46, and reverse the anticipation rejection of claims 39, 40 and 48.

We agree with the examiner's findings (answer, page 3) that Stein discloses all of the method steps of claim 25. Stein decodes a received signal at each of four postulated rates, and generates a corresponding decoded signal and a corresponding decoding metric (Figure 2). The rate selector 250 modifies the decoding metric to form a normalized correlation metric based on the corresponding postulated rate (column 7, line 1 through column 8, line 47), and, in view of the teaching that "rate selector 250 selects the highest normalized correlation metric in storage and . . . determines the rate . . . corresponding to this normalized correlation metric" (column 8, lines 48 through 51), the rate selector 250 determines the most likely rate at which the received signal was encoded as being the postulated rate associated with the maximum modified decoding metric. We additionally agree with the examiner's contention (answer, page 8) that the open-ended language of claim 25 does not preclude the re-encoding, delay and correlator teachings of Stein. Accordingly, the anticipation rejection of

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claim 25 is sustained. The anticipation rejection of claims 26, 27, 29 through 37 and 42 through 46 is likewise sustained based upon appellants' grouping of the claims (supplemental brief, page 2).

The anticipation rejection of claims 39, 40 and 48 is reversed because the examiner's contentions (answer, pages 6 and 11) to the contrary notwithstanding, we can not find any teaching in Stein of "calculating the sum of the absolute values of each said sequence of groups" of soft bits (emphasis added).

DECISION

The decision of the examiner rejecting claims 25 through 27, 29 through 37, 39, 40, 42 through 46 and 48 under 35 U.S.C. § 102(a) is affirmed as to claims 25 through 27, 29 through 37 and 42 through 46, and is reversed as to claims 39, 40 and 48.

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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

JAMES D. THOMAS)	
Administrative Patent Judge)	
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)	
)	
)	BOARD OF PATENT
KENNETH W. HAIRSTON)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
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)	
ERROL A. KRASS)	
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