

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 25

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID D. OTTEN

Appeal No. 2000-0972
Application No. 08/679,848

ON BRIEF

Before HAIRSTON, KRASS, and FLEMING, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 and 2. In an Amendment After Final (paper number 14), claims 1 and 2 were amended.

The disclosed invention relates to a communication system for preventing the transmissions of a mobile unit in proximity to a communications service from interfering with the

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transmissions from the communications service that have priority over the mobile unit.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A communication system for permitting the communications of a mobile unit in proximity to a communications service having priority over the communications of the mobile unit, said communication system comprising:

a priority service unit for providing communications services including a receiver for receiving signals in a frequency band and a transmitter collocated with the priority service unit receiver for transmitting signals in a frequency band;

a mobile communications unit including a transmitter for transmitting in the frequency band in which said priority service unit receives signals;

an interference zone surrounding said priority receiver such that the transmission by said mobile unit in said interference zone interferes with the operation of said priority service unit;

warning signal means connected to said priority service unit for transmitting a warning signal from the priority service unit transmitter at a frequency band different than the frequency band of the signals received by the priority service unit;

warning signal receiver means connected to said mobile communications unit for receiving said warning signal;

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interference zone detection means connected to
said warning signal receiver means for processing
said warning signal and for determining if said
mobile unit is located in said interference zone;
and

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interference elimination means connected to said
interference zone detection means for eliminating
the interference of said mobile unit with said
priority service unit.

The reference relied on by the examiner is:

Klandrud et al. (Klandrud), "Beacon Control of Radio
Transmitters to Reduce Radio Frequency Interference,"
Motorola, Inc. Technical Developments, Vol. 16, pp. 130-32
(August 1992).

Claims 1 and 2 stand rejected under 35 U.S.C. § 103(a) as
being unpatentable over Klandrud.

Reference is made to the briefs (paper numbers 18 and 20)
and the answer (paper number 19) for the respective positions
of the appellant and the examiner.

OPINION

We have carefully considered the entire record before us,
and we will reverse the obviousness rejection of claims 1 and
2.

Klandrud recognizes that out-of-band radio frequency (RF)
emanations from a mobile unit satellite radio 2 or 3 (Figure
1) may cause interference to a sensitive receiver (e.g., radio
astronomy (RA) site 1) if the mobile unit is too close to the
sensitive receiver (page 130, column 1). Klandrud uses one or
more beacon units 5 and 6 to transmit RF warning signals 7 and

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8, respectively, to any mobile units that might be in the area (page 130, column 1). According to Klandrud (page 130, column 2), "[t]he beacons 5, 6 are located far enough away from the RA site so that they do not cause interference with the RA receiver." If a mobile unit does not receive a warning beacon message, then the user of the mobile unit assumes that transmission from the mobile unit will not interfere with the sensitive receiver RA (page 130, column 2). On the other hand, "[i]f a mobile unit 2 can receive a beacon transmission 7 or 8, then the mobile unit must decide if it is acceptable to transmit" (page 130, column 2).

Based upon the statement in Klandrud (page 130, column 1) that "[a]ny or all of the concepts described herein can be used to protect a receiver (stationary or mobile) from interfering units (mobile or stationary)," the examiner reaches the conclusion (answer, page 4) that Klandrud is "not specific to a radio astronomy service," and that "Klandrud et al[.] does indeed suggests that other communications systems can be implemented using the same concept of radio frequency interference reduction."

We agree with the examiner's inference that both Klandrud

and the disclosed and claimed invention have "radio frequency interference reduction" as an underlying concept. Our agreement with the examiner, however, does not extend to any inference by the examiner that the implementation of that concept by the disclosed and claimed invention is the same as the implementation of that concept by Klandrud. In Klandrud, the warning signal transmitted by the beacon units 5 and 6 is transmitted at a frequency that can interfere with the RA receiver 1. As indicated supra, that is why the beacons 5 and 6 are located far enough away from the RA receiver 1 to avoid interference. Thus, Klandrud neither teaches nor would have suggested a warning signal means connected to either the RA receiver (claim 1) or the mobile units (claim 2) that transmits at a frequency band different than the frequency band signals received by the RA receiver (reply brief, page 7). More importantly, the possibility of interference between the beacons and the RA receiver requires that they not be "collocated" (claim 1) (brief, pages 13 and 14). Lastly, the mobile units in Klandrud would never transmit any type of warning signal to the RA receiver because such a signal would interfere with the normal operation of the RA receiver (claim

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2) (brief, page 15).

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In summary, the obviousness rejection of claims 1 and 2 is reversed.

DECISION

The decision of the examiner rejecting claims 1 and 2 under 35 U.S.C. § 103(a) is reversed.

REVERSED

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