

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 32

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ALLAN M. BERLINSKY

Appeal No. 2001-1212
Application No. 08/777,986

ON BRIEF¹

Before RUGGIERO, DIXON, and GROSS, Administrative Patent Judges.
GROSS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 2, 3, and 5 through 18. Claim 4 was canceled in Amendment A, filed February 23, 1998 (Paper No. 7) and claim 1 was canceled in Amendment B, filed August 25, 1998 (Paper No. 9). After the final rejection, claims 2, 3, 5 through 9 and 18 were canceled in Amendment C filed August 11, 2000 (Paper No. 20). In the Examiner's Answer (page 5), the examiner indicated that

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29, 2000 (Paper No. 25) to be in independent form. In the Appeal Brief, appellant indicated that claims 16 and 17 had been withdrawn from consideration. Accordingly, the status of the claims is as follows: claims 1 through 9 and 18 have been canceled, claims 14 and 15 have been allowed, claims 16 and 17 have been withdrawn from consideration, and claims 10 through 13 remain before us on appeal.

Appellant's invention relates to a remote wireless communicator device that provides a communication link with an apparatus in a wireless network. Claim 10 is illustrative of the claimed invention, and it reads as follows:

10. A repeater for use in a wireless system having a mobil [sic, mobile] switching center (MSC), and at least [sic, one] base station communicatively connected to said MSC, said repeater comprising

means for retransmitting signals to and from said base station;

control functionality relating to operations of said repeater; and

a remote communication device comprising:

a terminal unit having means for transmitting a signal and receiving a signal, said transmitted signal including an identification of said terminal unit;

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means for interfacing signals of said terminal
unit with said control functionality of said
repeater.

The prior art references of record relied upon by the
examiner in rejecting the appealed claims are:

Szabo	5,410,753	Apr. 25, 1995
Marque-Pucheu	5,509,028	Apr. 16, 1996

Claims 10 through 13 stand rejected under 35 U.S.C. § 103 as
being unpatentable over Szabo in view of Marque-Pucheu.

Reference is made to the Examiner's Answer (Paper No. 23,
mailed October 25, 2000) for the examiner's complete reasoning in
support of the rejection, and to appellant's Brief (Paper No. 21,
filed August 11, 2000) and Reply Brief (Paper No. 26, filed
December 29, 2000) for appellant's arguments thereagainst.

OPINION

We have carefully considered the claims, the applied prior
art references, and the respective positions articulated by
appellant and the examiner. As a consequence of our review, we
will affirm the obviousness rejection of claims 10 through 13.

The examiner states (Answer, page 4) that it would have been

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component, the examiner asserts (Answer, page 4) that it would have been obvious for the mobile test set to test the added repeater as well as the base station. Appellant contends (Brief, page 6) that "combining the *mobile* test set of Szabo with a repeater station, which by its nature is *stationary*, would destroy the mobility of the test set. Without mobility, the test set is unable to test the operation of a base station at different locations within the network." Further, appellant questions (Brief, page 7), "How can a test set be integrated with a stationary repeater and not lose [sic] its mobility?"

We do not find appellant's argument to be persuasive. The examiner proposes modifying the mobile radio system to include a repeater to expand the coverage area of the system, not to integrate the repeater with the test set. Further, the claims merely require "operatively connecting" the control interface and the repeater, not directly connecting them. Thus, if, in accordance with the examiner's combination, Szabo's mobile radio system were modified to include a repeater, and Szabo's first interface were set to exchange test signals between the mobile

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though the repeater is stationary, and there would be no issue of destroying the mobility of the test set.

Appellant further argues (Brief, page 7) that there is no reason why the test set of Szabo needs to be integrated with the repeater to perform tests on it. However, as explained above, the repeater is integrated with the mobile radio system not with the mobile test set. Additionally, the examiner suggests testing the repeater because it has been integrated with the radio system, not integrating the repeater with the test set to perform tests on the repeater.

Lastly, appellant states (Brief, page 8) that he "does not dispute the fact that a repeater expands coverage area of a wireless network, but maintains that this fact is irrelevant since the test set of Szabo is intended to test a network and *not* to expand coverage." Again appellant appears to have missed the examiner's point. The examiner proposed expanding coverage of the wireless network being tested by adding a repeater, not modifying the test set. Thus, appellant's arguments are not persuasive, and we will sustain the obviousness rejection of

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

AFFIRMED

JOSEPH F. RUGGIERO)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
JOSEPH L. DIXON)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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