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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/341,528	01/13/2003	Thomas E. Gorsuch	2479.1053-007	7146

21005 7590 05/05/2005

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
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EXAMINER	
RAMOS FELICIANO, ELISEO	
ART UNIT	PAPER NUMBER
2687	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)	
	10/341,528	GORSUCH, THOMAS E.	
	Examiner	Art Unit	
	Eliseo Ramos-Feliciano	2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 January 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-52* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1 and 9-30* is/are allowed.

6)☒ Claim(s) *31-52* is/are rejected.

7)☒ Claim(s) *2-8* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 January 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/24/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The references listed in the Information Disclosure Statement filed on January 24, 2005 have been considered by the examiner (see attached PTO-1449 form).

Specification

2. The disclosure is objected to because of the following informalities: the reference made to a U.S. Patent Application made on page 1, lines 4-5 needs to be updated to include current status, e.g. patented and patent number. Appropriate correction is required.

Claim Objections

3. **Claims 2-8** are objected to because of the following informalities: the used reference signs, i.e. "(a)" to "(g)", may lead to confusion with the steps recited in claim 1 given that these claims depend on claim 1, and claim 1 already recites "(a)" to "(e)" to make reference to such steps. Appropriate correction is required.

Double Patenting – Issue I: U.S. Patent No. 6,526,034

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. **Claims 31-34, 37, and 39-47** are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over *claims 1, 6-9, 11-16, and 18* of U.S. Patent No. 6,526,034. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following reasons.

Regarding **claims 31-32** of present application, *claim 1* of U.S. Patent No. 6,526,034 discloses:

For use with a digital communication network having a first wireless digital communication path and a second wireless digital communication path for coupling data communication signals with a local wireless transceiver at a first site, the second digital communication path providing wider coverage and a slower communication rate than the first digital communication path, the local wireless transceiver being operative to conduct wireless communications with a remote wireless transceiver at a second site, a method of selecting a wireless communication path comprising the steps of:

a) in response to a request to establish a communication session between said first and second sites, determining whether the first wireless digital communication path is available;

b) establishing a communication session between the first and second sites using the first wireless digital communication path if the first wireless digital communications path is available;

c) establishing a communication session between the first and second sites using the second wireless digital communication path if the first wireless digital communication path is not available;

d) when a communication session has been established via the second wireless digital communication path, controlling the local wireless transceiver to appear to the second wireless digital communication path as though the bandwidth is continuously available during said communication session for wireless communications between said local and remote transceivers, irrespective of the need to transport data communication signals between said first and second sites; and

e) when a communication session has been established via the second wireless communication path, in the absence of said need to transport data communication signals between said first and second sites, making said bandwidth available for wireless communication by another wireless transceiver of said digital communication network.

Other than for some grammatical differences and selected omitted elements, *claim 1* of U.S. Patent No. 6,526,034 claims the same as claims 31-32 of present application. Such differences are obvious expedient because omission of an element and its function in a

combination is an obvious expedient if the remaining elements perform the same functions as before. In re KARLSON (CCPA) 136 USPQ 184 (1963).

Regarding **claims 33-34, 37, and 39** of present application, *claim 1* of U.S. Patent No. 6,526,034 discloses everything as applied above. In addition, *claims 6-8* of U.S. Patent No. 6,526,034 disclose the further added limitations.

Regarding **claims 40-47** of present application, *claim 1* of U.S. Patent No. 6,526,034 discloses everything as applied above. In addition, *claims 9, 11-16, and 18, respectively* of U.S. Patent No. 6,526,034 disclose the further added limitations.

Double Patenting – Issue II: US Pat. Application No. 10/358,082

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. **Claims 31-52** are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over *claims 33-44, 46-48, 55-57, and 60-61,* of copending Application No. 10/358,082 (US Patent Publication Number 2004/0018854). Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following reasons.

Regarding **claim 31-32** of present application, *claim 33* of copending Application No. 10/358,082 discloses:

A method for selecting a wireless data communication path from among at least a first wireless data communication path and a second wireless data communication path, the second wireless data communication path providing wider coverage and a slower communication rate than the first wireless data communication path, the method comprising the steps of:

a) in response to a request to establish a data communication session, determining whether the first wireless data communication path is available;

b) establishing a data communication session using the first wireless data communication path if the first wireless data communication path is available;

c) establishing a data communication session using the second wireless data communication path if the first wireless data communication path is not available;

d) when a data communication session has been established via the available wireless data communication path, controlling a wireless transceiver to appear to the available wireless data communication path as though the bandwidth is continuously available during said communication session for wireless communications, irrespective of the need to transport data communication signals; and

e) when a data communication session has been established via the available wireless data communication path, in the absence of said need to transport data communication signals, making said bandwidth available for wireless data communication by another wireless transceiver of said communication network.

Other than for some grammatical differences and selected omitted elements, *claim 33* of copending Application No. 10/358,082 claims the same as claims 31-32 of present application. Such differences are obvious expedient because omission of an element and its function in a combination is an obvious expedient if the remaining elements perform the same functions as before. In re KARLSON (CCPA) 136 USPQ 184 (1963).

Regarding **claims 33-41** of present application, *claim 33* of copending Application No. 10/358,082 discloses everything as applied above. In addition, *claims 34-42* of copending Application No. 10/341,528 disclose the further added limitations.

Regarding **claims 42-50** of present application, *claim 33* of copending Application No. 10/358,082 discloses everything as applied above. In addition, *claims 55-57, 43-44, 46, 60, 47,*

and 48, respectively of copending Application No. 10/341,528 disclose the further added limitations.

Regarding **claims 51-52** of present application, *claim 33* of copending Application No. 10/358,082 discloses everything as applied above. In addition, *claims 60-61* of copending Application No. 10/341,528 disclose the further added limitations.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. **Claims 31, 33-52** are rejected under 35 U.S.C. 103(a) as being unpatentable over Burke et al. (US Patent Number 5,406,643) in view of the *Admitted Prior Art* (disclosed under "BACKGROUND OF THE INVENTION" section, page 1, line 7 to page 3, line 18, of present application).

Regarding **claim 31**, Burke et al. discloses a method for selecting a wireless communication path (abstract; 4, 6, 8 – Figure 1) from among at least a first wireless data communication path (e.g. 4) and a second wireless data communication path (e.g. 6), the second wireless data communication path providing wider coverage and a slower communication rate than the first wireless data communication path, the method comprising the steps of:

a) in response to a request to establish a communication session (connection command – step 84, Figure 7), determining whether the first wireless data communication path is available (step 86, Figure 7);

b) establishing a communication session using the first wireless data communication path if the first wireless data communication path is available (step 88, Figure 7); and

c) establishing a communication session using the second wireless data communication path if the first wireless data communication path is not available (steps 86 and 88, Figure 7).

In detail, Burke et al. discloses that upon a connection command (request to establish a communication session) (step 84, Figure 7) an available wireless data communication path is selected (step 84, Figure 7). The selection of the available wireless data communication path is based on several factors or "communication criteria" that Burke et al. names "prototypes"; see column 7, lines 9-34.

Burke et al. discloses that the so-called "prototype" (CCP) defines a "potential path" and includes a "STATUS FLAG", *inter alia*, (column 5, lines 34-42). The status flag defines a "data link" that indicates the availability of a "physical path" (column 6, lines 7-21). In other words, the selection of the available wireless data communication path is based on whether or not "a first" path is available. If not available, "a second" available path is selected.

Burke et al. further discloses that the so-called "prototype" (CCP) defines a "potential path" and includes a "ATTRIBUTE LIST", *inter alia*, (column 5, lines 34-42). The attribute list describes the characteristics of a single actual communications path such as "baud rate" and "transit time" (column 5, lines 58-65; column 12, lines 21-24 & 65-68). For that reason, the

second wireless data communication path can be fairly characterized as providing a slower communication rate than the first wireless data communication path.

However, Burke et al. fails to specify that the second wireless data communication path provides a wider coverage than the first wireless data communication path.

Nevertheless, Burke et al. discloses in alternative embodiment cellular technology (radio frequency) and wireless LAN (W-LAN) technology; column 1, lines 33-47, column 10, lines 49-60. The communication paths correspond to these technologies. It is of conventional knowledge that "W-LANs typically have a much smaller range and higher data rates" (see the Admitted Prior Art: page 3, lines 8-12) when compared to a cellular network (see the Admitted Prior Art: page 2, line 12 to page 3, line 7). It is also desirable to select the faster communication path when available.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to make the second wireless data communication path to provide a wider coverage and a slower communication rate than the first wireless data communication path because it is desirable to be able to select the faster communication path when available given that Burke et al. already discloses cellular and W-LAN as explained above.

Regarding **claims 33-36 and 38-39**, Burke et al. and the Admitted Prior Art disclose everything claimed as applied above (see *claim 31*). In addition, either one of the wireless data communication paths can be cellular or wireless LAN as explained above; column 1, lines 33-47, column 10, lines 49-60.

Regarding **claim 37**, Burke et al. and the Admitted Prior Art disclose everything claimed as applied above (see *claim 33*). In addition, the combination discloses that the wireless LAN

connection is implemented according to at least one IEEE 802.11 standard (see the Admitted Prior Art, page 3, lines 13-18).

Regarding **claim 40**, Burke et al. and the Admitted Prior Art disclose everything claimed as applied above (see *claim 31*). In addition, it is of conventional knowledge that access costs associated with cellular networks are higher than those of W-LANs (see the Admitted Prior Art, page 1, line 19 to page 2, line 2; and page 3, lines 20-24). Therefore, the combination discloses wherein access costs associated with the first wireless communication path (W-LAN) are smaller than access costs associated with the second wireless communication path (cellular). (See also column 7, lines 15-18 of Burke et al.).

Regarding **claim 41**, Burke et al. and the Admitted Prior Art disclose everything claimed as applied above (see *claim 31*). In addition, the combination discloses that access to the second wireless digital communication path (cellular) is subscription-based ("subscriber 2" – abstract of Burke et al. – indicates subscription-based as claimed; in addition cellular networks typically are subscription-based for profit).

Regarding **claim 42**, Burke et al. and the Admitted Prior Art disclose everything claimed as applied above (see *claim 31*). In addition, determining whether the first wireless digital communication path (W-LAN) is available comprises detecting a beacon signal (see the Admitted Prior Art, page 14, lines 20-24 regarding IEEE 802.11 standard for W-LAN).

Regarding **claim 43**, Burke et al. and the Admitted Prior Art disclose everything claimed as applied above (see *claim 31*). In addition, the connection/communication command (step 84, Figure 7) explained above reads as the claimed "probe request message", since it indicates availability of a "physical path" (see column 6, lines 7-21, and explanation for claim 31 above).

Therefore, the combination discloses transmitting a probe request message (120 – Figure 8 of Burke et al.), and detecting a probe response message (150– Figure 8of Burke et al.) in response to the probe request, as claimed.

Regarding **claim 44**, Burke et al. and the Admitted Prior Art disclose everything claimed as applied above (see *claim 31*). In addition, determining whether the first wireless digital communication path is available comprises detecting activity in the first wireless communication path (physical path) (as explained for claim 31, the status flag defines a "data link" that indicates the activity of a "physical path"; column 6, lines 7-21).

Regarding **claim 45-46**, Burke et al. and the Admitted Prior Art disclose everything claimed as applied above (see *claim 31*). In addition, wireless LANs (first wireless digital communication path) are generally private networks because they are typically installed, owned, and maintained by a private party, such as a business, educational institution or home owner (see the Admitted Prior Art, page 3, lines 20-22). Cellular (long range) networks (second wireless digital communication path) are generally public networks because they utilize shared public access frequencies licensed by a government authority to complete a connection (see the Admitted Prior Art, page 3, lines 22-24).

Regarding **claim 47**, Burke et al. and the Admitted Prior Art disclose everything claimed as applied above (see *claim 31*). In addition, carrier sense multiple access with collision avoidance (CSMA/CA) is part of the IEEE 802.11 specification (see the Admitted Prior Art, page 5, lines 5-6). Therefore, given that the first wireless digital communication path is W-LAN according to IEEE 802.11 specification (as explained in the paragraphs above), the first wireless

digital communication path uses carrier sense multiple access with collision avoidance (CSMA/CA), as claimed.

Regarding **claim 48 and 51-52**, Burke et al. and the Admitted Prior Art disclose everything claimed as applied above (see *claim 31*). In addition, the first wireless digital communication path conducts wireless communication with a wireless transceiver at a first site (for example, located at endpoint 10 – Figure 1 of Burke et al.). The second wireless digital communication path conducts wireless communication with a wireless transceiver at a second site (for example, endpoint 10). The first wireless digital communication path conducts wireless communication with a wireless transceiver at a first site and the second wireless digital communication path conducts wireless communication with a wireless transceiver also located at the first site (for example, located at endpoint 10 – Figure 1; see also abstract of Burke et al.).

Regarding **claims 49-50**, Burke et al. and the Admitted Prior Art disclose everything claimed as applied above (see *claim 31*). In addition, as explained above for claim 31, the selection of the communication path is further based on "baud rate" / "transit time" (column 5, lines 58-65; column 12, lines 21-24 & 65-68 of Burke et al.). The highest communication rate is very desirable as well as the highest communication throughput with lowest bit error rate.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made that when more than one wireless communication path is available, selecting an available communication path having the highest communication rate, or the highest communication throughput with lowest bit error rates because it is desirable for obtaining the best communications quality possible.

Allowable Subject Matter

10. **Claims 1 and 9-30** are allowed.

11. **Claim 32** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and submission of the timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) explained above.

12. The following is a statement of reasons for the indication of allowable subject matter:

Regarding **claim 1**, the prior art of record fails to anticipate or render obvious an apparatus for connecting a data communication interface to receive data comprising: (a) a first electronics circuit, for receiving data from the first wireless data communication path; (b) a second electronics circuit, for receiving data from the second wireless data communication path, the second wireless data communication path providing wider coverage and a slower communication rate than the first wireless data communication path; (c) a detector, for determining if a selected one of the first wireless data communication path or the second wireless data communication path is not an available communication path, and for determining that the other one of the first wireless communication path or the second wireless communication path is an available communication path; (d) a switch, for connecting the available communication path to the data communication interface; and (e) a controller, for controlling the unavailable wireless communication path to appear as though bandwidth is continuously available to a communication session, even when it is actually not an available communication path, in combination as defined by applicant.

Conclusion

13. Any inquiry concerning this communication from the examiner should be directed to Eliseo Ramos-Feliciano whose telephone number is 571-272-7925. The examiner can normally be reached from 8:00 a.m. to 5:30 p.m. on 5-4/9 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid, can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ERF/erf
April 22, 2005

4/22/05
ELISEO RAMOS-FELICIANO
PATENT EXAMINER

Notice of References Cited	Application/Control No. 10/341,528	Applicant(s)/Patent Under Reexamination GORSUCH, THOMAS E.	
	Examiner Eliseo Ramos-Feliciano	Art Unit 2687	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,406,643	04-1995	Burke et al.	370/349
	B	US-6,526,034	02-2003	Gorsuch, Thomas E.	370/338
	C	US-2004/0018854	01-2004	Gorsuch, Thomas E.	370/338
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

PTO-1449 REPRODUCED	ATTORNEY DOCKET NO.	APPLICATION NO.
INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION	2479.1053-007	10/341,528
	FIRST NAMED INVENTOR: Thomas E. Gorsuch	FILING DATE: January 13, 2003
January 13, 2005 (Use several sheets if necessary)	EXAMINER: Not assigned	CONFIRMATION NO.: 7146
		GROUP: ~~2682~~ 2687

U.S. PATENT DOCUMENTS				
EXAMINER INITIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / MM-DD-YYYY	NAME OF PATENTEE OF CITED DOCUMENT
	AA	5,020,092	05-28-1991	Phillips et al.
	AB	5,020,093	05-28-1991	Pireh
	AC	5,228,074	07-13-1993	Mizikovsky
	AD	5,406,643	04-11-1995	Burke et al.
	AE	5,504,803	04-02-1996	Yamada et al.
	AF	5,696,903	12-09-1997	Mahany
	AG	5,796,727	08-18-1998	Harrison et al.
	AH	5,815,811	09-29-1998	Pinard et al.
	AI	5,842,122	11-24-1998	Schellinger et al.
	AJ	5,845,211	12-01-1998	Roach, Jr.
	AK	5,657,317	08-12-1997	Mahany, et al.
	AA2	6,084,866	07-04-2000	Dorenbosch, et al.
	AB2	6,236,642 B1	05-22-2001	Shaffer, et al.
	AC2			
	AD2			
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	AK2			
	AA3			
	AB3			
	AC3			

EXAMINER	DATE CONSIDERED
ELISEO RAMOS-FELICIANO PATENT EXAMINER	4/21/05

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PTO-1449 REPRODUCED	ATTORNEY DOCKET NO.	APPLICATION NO.
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		GROUP: ~~2682~~ 2687

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER Country Code-Number-Kind Code (if known)	DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT	TRANSLATION YES	TRANSLATION NO
EP	AL	WO 98/59523	12-30-1998	Tantivy Communications Inc.		
EP	AM	WO 99/38083	07-29-1999	Motorola Inc.		
	AN					
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	AP4					
	AQ4					

EXAMINER	DATE CONSIDERED
ELISEO RAMOS-FELICIANO PATENT EXAMINER	4/21/05

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(Use several sheets if necessary)		GROUP: ~~2682~~ 2687

		OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*
✓	AR	"IEEE 802.11 Wireless LAN Standard," The MAC Layer, pp. 1-2, downloaded 7/15/99 from http://www.wlana.com/intro/standard/mac.html.
✓	AS	"IEEE 802.11 Technical Tutorial," pp. 1-18, downloaded from http://www.breezecom.com.
✓	AT	Melanchuk, et al., "CDPD and Emerging Digital Cellular Systems," XP000628458, pp. 2-8 (1996).
✓	AU	Grube, G., *et al.*, "In-Building Wireless Coverage Using a Second Mode", *Motorola XP 000594558*, pp. 66-68 (May 1996).
	AV	
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EXAMINER	DATE CONSIDERED
ELISEO RAMOS-FELICIANO PATENT EXAMINER ✓	4/21/05

@PFDesktop\::ODMA/MHODMA/HBSR05;iManage;525411;1

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BIBDATASHEET

Bib Data Sheet

CONFIRMATION NO. 7146

SERIAL NUMBER	FILING DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
10/341,528	01/13/2003 RULE	370	2687	2479.1053-007

APPLICANTS

Thomas E. Gorsuch, Indialantic, FL;

** CONTINUING DATA **********

This application is a CIP of 09/400,136 09/21/1999 PAT 6,526,034

YES

** FOREIGN APPLICATIONS **********

NONE

IF REQUIRED, FOREIGN FILING LICENSE GRANTED
** 02/24/2003

Foreign Priority claimed	STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
☐ yes ☒ no 35 USC 119 (a-d) conditions met ☐ yes ☒ no ☐ Met after Allowance Verified and Acknowledged _____ Examiner's Signature _____ Initials	FL	6	52	2

ADDRESS
021005
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD , MA
01742-9133

TITLE
Dual mode unit for short range, high rate and long range, lower rate data communications

FILING FEE	FEES: Authority has been given in Paper	
RECEIVED 1456	No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

Index of Claims

Application No.	Applicant(s)	
10/341,528	GORSUCH, THOMAS E.	
Examiner	**Art Unit**	
Eliseo Ramos-Feliciano	2687	

√	Rejected	–	(Through numeral) Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claim		Date								
Final	Original	4/22/05								
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SEARCH

10/341,528

Class	Sub.	Date	Exmr.
370	238 237 351 352 338 349 333 470 465 445	4/15/05	
455	553.1 552.1 453 450 455 517 69		
455	452.1 451 453 509 515 516	4/21/05	

SEARCH NOTES

(List databases searched. Attach search strategy inside.)

	Date	Exmr.
ep.espacenet.com WIPO / EPO on Internet	4/13/05	
EAST text search		

INTERFERENCE SEARCHED

Class	Sub.	Date	Exmr.