

PATENT  
Attorney Docket No. 03680.0083-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )

Dennis W. CAMERON et al. )

Serial No.: 08/124,219 )

Filed: September 21, 1993 )

For: NATIONWIDE COMMUNICATION  
SYSTEM )

Group Art Unit: 2611

Examiner: T. Le

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

PROPOSED AMENDMENT UNDER 37 C.F.R. § 1.116

Pursuant to 37 C.F.R. § 1.116 and in response to the Office  
Action dated August 8, 1995, the period for response to which has  
been extended to January 11, 1995 (the Federal government being  
closed on January 8-10 due to inclement weather) by the concurrent  
filing of a two-month extension of time, applicants propose that  
this application be amended as follows:

IN THE CLAIMS:

Please cancel claim 2 without prejudice or disclaimer of the  
subject matter thereof and amend claims 1, 3, 6, and 9 as follows:

1. (Twice Amended) A mobile unit for transmitting and  
receiving radio frequency signals to and from a communications  
network comprising:

means for receiving a radio frequency message from the  
network;

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a display for displaying said message;

B1  
concl  
switch means for allowing a user to selectively request retransmission of [at least portions] a portion of said message from the communications network;

means for transmitting, upon actuation of the switch means, a signal to the communications network requesting retransmission of said [at least portions] portion of said message.

B2  
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9.8. (Amended) The mobile unit of claim [2] 1, further comprising:

means for detecting errors in the received message [messages; and],

said display including means for highlighting [displaying] said errors when the message is displayed on said display.

Claim 3, line 1, replace "2" with --1--.

Claim 6, line 7, replace "the" (first occurrence) with --a--.

Claim 9, line 8, after "retransmit" insert --a portion of--;

and

line 13, after "retransmitting" insert --the portion of--.

#### REMARKS

Applicants appreciate the courtesies extended by the Examiner during a personal interview on December 20, 1995. During the interview, the Examiner and applicants' representative discussed proposals for overcoming the outstanding rejections. The discussion covered, among other things, the final rejection of claims 1-3, 5-6, and 8-9 under 35 U.S.C. § 103 as being unpatentable over Tsurumi (JAPAN 64-82715) in view of Spragins et

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al. and the final rejection of claims 4 and 7 under 35 U.S.C. § 103 as being unpatentable over Tsurumi in view of Spragins et al. and Iwasaki (JAPAN 1-181241).

In accordance with the interview, applicants propose amending the claims to make patentable distinctions more apparent. Applicants submit that, upon entry of these amendments, the final rejections should be withdrawn and the pending claims allowed.

Independent claim 1, as proposed, defines a mobile unit comprising a unique combination of elements. According to proposed claim 1, the mobile unit includes a display for displaying a received message. Switch means allows a user to selectively request retransmission of a portion of the message from a communications network. Another means transmits, upon actuation of the switch means, a signal to the communications network requesting retransmission of the portion of the message. After viewing the received message displayed on the display, a user can elect whether to request a portion of the message to be retransmitted. For example, if a portion of the message contains an error, but is nonetheless understandable, the user may elect not to request retransmission of the portion containing the error (page 37 of the specification, lines 23-26). Alternatively, if the user is unable to understand the message, the user may elect to request retransmission of the portion containing the error. In this way, the mobile unit of claim 1 maximizes system efficiency in two ways. First, the mobile unit does not automatically request retransmission of a received message when it contains an error. Rather, the user must actuate the switch means to cause

the mobile unit of claim 1 to request retransmission. Second, the user can elect retransmission of only a portion of a message, rather than the entire message.

The cited references, alone or in combination, do not disclose or suggest the mobile unit of claim 1. Tsurumi, the main reference cited by the Examiner, discloses a paging system in which a base station transmits messages to a pager according to the state of the pager's memory. When a user finishes reading a message stored in the pager, the pager transmits a process confirmation signal to the base station. In response, the base station transmits a new message to be stored in the pager. In this way, messages are transmitted as the user finishes reading them, thereby minimizing the pager's memory capacity.

Tsurumi does not disclose or suggest any structure for requesting retransmission of a received message, much less a portion of a message, as required by claim 1. Tsurumi also does not disclose any structure for allowing a user to selectively request retransmission, as required by claim 1. The Examiner appears to acknowledge the deficiencies of Tsurumi in the final Office Action (page 3, lines 2-5).

Spragins et al. does not overcome Tsurumi's deficiencies. Spragins et al. discloses a technique for requesting retransmission of a message frame. If a received message frame contains an error, a negative acknowledgment signal requesting retransmission is automatically transmitted, regardless of whether the user decides that retransmission is necessary. Thus, under this technique, there is no provision for allowing a user to

selectively request retransmission of a portion of a received message, as provided by the mobile unit of claim 1.

Accordingly, neither reference discloses or suggests the mobile unit of proposed claim 1 and therefore, upon entry of the proposed amendments, the final rejection of claim 1 should be withdrawn. The rejection of claims 3, 5, and 8 should also be withdrawn at least because of their dependence from claim 1.

In addition, proposed claim 3 contains an additional recitation not disclosed or suggested by the cited references. Specifically, claim 3, as proposed, recites that the display of the mobile unit of claim 1 includes means for highlighting errors in the received message when the message is displayed on the display. The cited references do not in any way disclose or suggest this recitation. Indeed, the cited references appear to teach away by disclosing automatically requesting retransmission of messages containing errors. Thus, upon entry of the proposed amendments, claim 3 should be allowed for this additional reason.

Claim 6 defines a communications network, including means for receiving radio frequency signals from the mobile unit. According to claim 6, the signals indicate that a user desires the network to retransmit a portion of the message to the mobile units. The network also includes means for retransmitting radio frequency signals containing the portion of the message the user desires retransmitted to the mobile unit.

The cited references do not disclose or suggest such a network. For example, the base station of Tsurumi receives an automatically transmitted confirmation signal indicating that a

user has read a message so that the base station can transmit another message. No disclosure or suggestion is made of retransmitting a portion of a previously transmitted message, much less a portion that a user desires to be retransmitted.

The Spragins et al. reference contains the same deficiency. According to Spragins et al., a base station receives automatically transmitted acknowledgment signals and negative acknowledgment signals. While the negative acknowledgment signals represent automatic requests for message retransmission, they do not in any way indicate a portion of a message that a user desires to be retransmitted. Since the cited references do not disclose or suggest all of the recitations, the rejection of claim 6 should be withdrawn.

Claim 9 defines a method for transmitting messages comprising a combination of steps. The mobile unit receives a request from a user to retransmit a portion of message data. The mobile unit transmits a request transmission signal to the network. The network receives the request retransmission signal and retransmits the portion of the message data.

None of the cited references, alone or in combination, discloses or suggests such a method. As discussed above, neither Tsurumi nor Spragins et al. discloses or suggests requesting retransmission of a portion of a message and retransmitting the portion to the mobile unit. Accordingly, the rejection of claim 9 should be withdrawn.

The rejection of dependent claims 4 and 7, which depend from claim 1, is also improper. In particular, Iwasaki does not

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overcome the above-noted deficiencies of Tsurumi or Spragins et al. That is, Iwasaki does not disclose or suggest any structure for allowing a user to selectively request retransmission of a portion of a received message, as provided by the mobile unit of claim 1. As discussed above, this allows a user to elect whether to request retransmission of a portion of a message. Accordingly, the rejection of dependent claims 4 and 7 should be withdrawn, and these claims should be allowed.

Applicants respectfully request that this Amendment Under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1 and 3-9 in condition for allowance. Applicants submit that the proposed amendments do not raise new issues or necessitate the undertaking of any additional search of the art, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Finally, applicants submit that the entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, applicants request entry of this amendment, reconsideration and withdrawal of the rejections, and timely allowance of the pending claims.

If an extension of time required to timely file this Amendment under 37 C.F.R. § 1.136 is not accounted for above, such extension is hereby requested and the fee for the extension should be charged to our Deposit Account No. 06-0916. If there are any other fees due in connection with the filing of this Amendment not

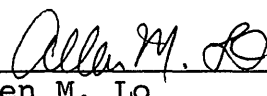
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accounted for above, such fees should also be charged to our  
Deposit Account.

Respectfully submitted,  
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By:

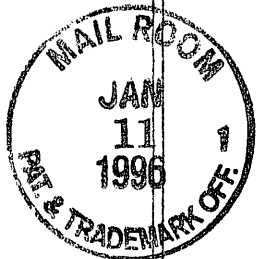
  
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Dated: January 11, 1996

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Examiner: T. Le

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2-5-96

Assistant Commissioner for Patents  
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Sir:

PETITION FOR EXTENSION OF TIME

Applicants hereby petition for a two month extension of time to respond to the Office Action of August 8, 1995. A fee of \$380.00 is enclosed.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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