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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/901,616	10/11/2010	David K. Mesecher	I-2-0108US08	1473
24374	7590	01/02/2014	EXAMINER	
VOLPE AND KOENIG, P.C. DEPT. ICC UNITED PLAZA 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			BOCURE, TESFALDET	
			ART UNIT	PAPER NUMBER
			2634	
			NOTIFICATION DATE	DELIVERY MODE
			01/02/2014	ELECTRONIC

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

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

eoffice@volpe-koenig.com

DETAILED ACTION

1. The present application is being examined under the pre-AIA first to invent provisions.
2. This office action (Advisory Action) is in response to the after final amendment received on 12/9/2013; the pending claims 13-15 are still rejected.
3. The "communication pursuant to MPEP § 2001.06(c)" received on 12/16/2013 has been noted and is kept in the file.

Drawings

4. The drawing (replacement drawing of figure 1) was received on 7/18/2012. The drawing is accepted by the Examiner. Therefore, the objection to the drawing indicated in the office action mailed on 3/19/2012 has been withdrawn.

Response to Amendment

5. In response to applicant's argument regarding claims 13-15 that:

Yoshida discloses in FIG.1 that user spreading circuits 101-1 to 101-k in the transmitter spread users signals 10-1 to 10-k stations with unique codes. Each respective user is assigned a unique code for use in the transmission of data. Yoshida also discloses that the receiver detects the reception signal and extracts the user signal. However, ***Yoshida does not teach or suggest the combining of user data with a plurality of different pseudo noise sequences. Yoshida clearly states each respective user is assigned a unique code which is used to transmit and receive data. Also, Yoshida does not teach or suggest producing pilot bits for each antenna of a plurality of antennas, wherein the pilot bits for each antenna are derived using different pseudo noise sequences.*** Yoshida describes the pilot signal spreading circuits (encoder) as, "pilot spreading circuits 104-1 to 104-N (N is an integer not less than two). The Applicant respectfully disagrees with the Examiner assertion that the pilot spreading encoder may be interpreted as, "the circuit configured to produce pilot bits for each antenna of a plurality of antennas; wherein the pilot bits for each antenna are derived using different pseudo noise sequences." ---

Examiner agrees that Yoshida states that respective users' data are spreaded with respective spreading codes. However, as claimed in claims 13-15 and shown in figures¹ 3, 15 and 19 in the instant application, the data generators 54, in figures 3 and 15 and 342 in figure 19 have been described in the specification as generating data signal without specifying whether the data generated by the data signal generator is a single data signal or multiple data signals spread with a respective spreading code. Therefore, as claimed and disclosed, the user data generator could generate multiple data and each of the data signal is multiplied by the respective spreading code as is the case in Yoshida.

As to the Applicant's argument with respect to the pilot signals, Examiner kindly disagrees to the applicant's assertion that Yoshida does not teach or suggest producing pilot bits for each antenna of a plurality of antennas, wherein the pilot bits for each antenna are derived using different pseudo noise sequences. As clearly shown in the figures, the pilot encoders 104-1-to-104-N spread each of the pilot signals with a respective spreading codes and each of the spreaded pilot is assigned to the respective antenna.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TESHALDET BOCURE whose telephone number is

¹ Figures 3, 15 and 19 best describe to applicant's remarks and arguments, where a single user data generator is described.

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(571)272-3015. The examiner can normally be reached on Mon-Th, 8:30-6:00 and 8:30-5:00 2nd Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DANIEL C. WASHBURN can be reached on (571)272-5551. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TESFALDET BOCURE/
Primary Examiner, Art Unit 2634

/T. B./
Primary Examiner, Art Unit 2634

Advisory Action Before the Filing of an Appeal Brief	Application No. 12/901,616	Applicant(s) MESECHER, DAVID K.	
	Examiner TESFALDET BOCURE	Art Unit 2634	AIA (First Inventor to File) Status No

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

THE REPLY FILED _____ FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

NO NOTICE OF APPEAL FILED

1. The reply was filed after a final rejection. No Notice of Appeal has been filed. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114 if this is a utility or plant application. Note that RCEs are not permitted in design applications. The reply must be filed within one of the following time periods:

- a) The period for reply expires 3 months from the mailing date of the final rejection.
- b) The period for reply expires on: (1) the mailing date of this Advisory Action; or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- c) A prior Advisory Action was mailed more than 3 months after the mailing date of the final rejection in response to a first after-final reply filed within 2 months of the mailing date of the final rejection. The current period for reply expires _____ months from the mailing date of the prior Advisory Action or SIX MONTHS from the mailing date of the final rejection, whichever is earlier.

Examiner Note: If box 1 is checked, check either box (a), (b) or (c). ONLY CHECK BOX (b) WHEN THIS ADVISORY ACTION IS THE FIRST RESPONSE TO APPLICANT'S FIRST AFTER-FINAL REPLY WHICH WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. ONLY CHECK BOX (c) IN THE LIMITED SITUATION SET FORTH UNDER BOX (c). See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) or (c) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendments filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- a) They raise new issues that would require further consideration and/or search (see NOTE below);
 - b) They raise the issue of new matter (see NOTE below);
 - c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

- 4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
- 5. Applicant's reply has overcome the following rejection(s): _____.
- 6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
- 7. For purposes of appeal, the proposed amendment(s): (a) will not be entered, or (b) will be entered, and an explanation of how the new or amended claims would be rejected is provided below or appended.

AFFIDAVIT OR OTHER EVIDENCE

- 8. A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
- 9. The affidavit or other evidence filed after final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
- 10. The affidavit or other evidence filed after the date of filing the Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
- 11. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

- 12. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached note.
- 13. Note the attached Information *Disclosure Statement(s)*. (PTO/SB/08) Paper No(s). _____
- 14. Other: Approved Drawing received on 7/18/2012.

STATUS OF CLAIMS

15. The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____
 Claim(s) objected to: _____
 Claim(s) rejected: 13-15.
 Claim(s) withdrawn from consideration: _____

/TESFALDET BOCURE/
 Primary Examiner, Art Unit 2634