

Art Unit 2611

MAILED

Paper No. 13

Appeal No. 93-3714

MAY 23 1994

LS

ON BRIEF

PATENT OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte Paul M. Erickson,
Kenneth J. Crisler,
Gary C. Hess and Stuart W. Thro-

Application for Patent filed January 31, 1991,
Serial No. 07/648,476. Method For Providing Service Access
Information In A Communication System.

Susan L. Lukasik, for Appellants.

Primary Examiner - Reinhard J. Eisenzopf.
Examiner - Lisa Charowel.

Before Thomas, Hairston and Krass, Administrative Patent Judges.
Krass, Administrative Patent Judge.

This is a decision on appeal from the final rejection
of claims 1 and 4 through 6. Claims 7 through 9 have been
allowed and claims 2 and 3 have been indicated by the examiner as

result thereof, we will sustain the rejection of claims 1 and 4 under 35 U.S.C. 102(b)/103 and the rejection of claims 5 and 6 under 35 U.S.C. 103.

We will sustain the rejections for substantially the reasons given by the examiner in the answer and we adopt such reasons as our own, adding only the following amplifying comments.

Appellants argue that EIA does not teach any request regarding future availability of communication services. In giving the example of a user requesting addition of call waiting to his profile (page 7 of the brief), appellants state that the request may be denied because the user has not paid his bill and that this denial does not teach availability or non-availability of the services but responds, instead, to whether the user may be authorized. However, by denying a user access to such services, the system certainly indicates that that service, e.g., call waiting, is unavailable, at least to that user. If the user's bill was paid, the service would be available. Therefore, the EIA system provides an indication of availability/unavailability and "future availability" of communication services, as broadly set forth by the instant claims. Appellants' argument that EIA lacks indication of "availability" of service is simply not understood since the grant of a request by EIA's system indicates

"availability" while a denial of such a request indicates "unavailability."

With regard to claim 5, appellants do not argue the "distally located" feature which is the reason for the examiner's reliance on Sasuta. Rather, appellants state (page 10 of the brief) that

...whether or not Sasuta teaches a service area that is distally located with respect to a present location of a radio communication unit, the combination of EIA and Sasuta does not teach, anticipate, or suggest or render obvious a request regarding future availability of a radio communication service.

Thus, appellants rely on the "future availability" argument, made with regard to claim 1, for the patentability of claims 5 and 6. Since we have disposed of this argument, supra, we will also sustain the rejection of claims 5 and 6 under 35 U.S.C. 103.

We note in passing that there is no disclosure that this argued "future availability" feature is anything other than information stored in memory in hub 110 which indicates where and/or at what time certain requested services may be available. Therefore, the "future availability" feature appears to be nothing more than already known information which is stored, or retrieved from different sites, relative to what will be available. There is no particular method for computing or predicting future availability. There is only known information

Appeal No. 93-3714

which is stored, or retrieved, relative to a future event.

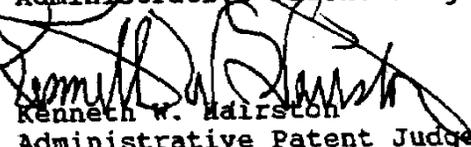
Clearly, there is nothing unobvious about storing information and retrieving that information when requested to do so.

We have sustained both the rejection of claims 1 and 4 under 35 U.S.C. 102(b)/103 and the rejection of claims 5 and 6 under 35 U.S.C. 103. Accordingly, the examiner's decision is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR 1.136(a). See the final rule notice, 54 F.R. 29548 (July 13, 1989), 1105 O.G. 5 (August 1, 1989).

AFFIRMED


James D. Thomas
Administrative Patent Judge


Kenneth W. Hairston
Administrative Patent Judge


Errol A. Krass
Administrative Patent Judge

BOARD OF PATENT
APPEALS AND
INTERFERENCES

Donald B. Southard
Motorola, Inc.
1303 East Algonquin Road
Schaumburg, IL 60196