

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 47

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROLAND S. BODIN and GEORG CHAMBERT

Appeal No. 97-2758
Application No. 07/859,962¹

HEARD: March 9, 1999

Before KRASS, BARRETT, and FRAHM, Administrative Patent Judges.
KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claim 18, the only claim remaining in the application.

The invention pertains to cellular telephone systems. More particularly, the invention allows a mobile station to operate at an extended distance from the base station,

¹ Application for patent filed March 30, 1992.

effectively increasing the cell size of the base station but does so, unlike conventional systems, without decreasing the number of available channels.

Claim 18 is reproduced as follows:

18. A method in a cellular radio communication system having an extended cell range and including at least a fixed base station and a number of mobile stations, at least one of said mobile stations being in said extended cell range, said base station and said mobile stations transmitting and receiving in corresponding time slots in a transmitting frame and a receiving frame, respectively where a transmitting frame is displaced a first standardized time offset relative to a receiving frame, each including a certain number of time slots in accordance with a conventional normal transmission mode, comprising the steps of:

transmitting an access burst from said mobile stations within a time slot which is extended in accordance with a conventional extended transmission mode in order to measure a delay between a remote mobile station at an extended distance from the base station;

determining from said measured delay whether a call should be set up in accordance with said conventional normal transmission mode, said conventional extended transmission mode or in accordance with an extended transmission mode; and

adding, in said base station to said first standardized time offset, a second time offset related to said measured delay, if it is determined that said call should be set up in said extended transmission mode, wherein the base station receives bursts from said mobile stations and the mobile stations receive bursts from the base station while maintaining the same number of time slots as in said conventional normal transmission mode.

No references are cited by the examiner.

Claim 18 stands rejected under 35 U.S.C. 112, first paragraph, as relying on a nonenabling disclosure.

Reference is made to the briefs and answer for the respective positions of appellants and the examiner.

OPINION

The examiner contends that the specification does not teach how to implement the step of determining whether a call should be set up in accordance with the conventional normal transmission mode, the conventional extended transmission mode or an extended transmission mode. The examiner further contends that there is a lack of disclosure of any particular device for adding the second time offset to the first standard time offset without losing synchronization. The examiner also notes that since there is no additional time offset in a conventional GSM system, there must be some modification of such a conventional system in order to provide for the additional time offset as claimed. Yet, the instant disclosure suggests no circuit diagram or other apparatus for so modifying a conventional system in order to provide for the additional time offset. Therefore, the examiner concludes,

the disclosure does not enable the skilled artisan to make and use the claimed invention without undue experimentation.

We reverse.

To whatever extent the examiner may have had a reasonable basis for questioning the adequacy of the instant disclosure, we agree with appellants, for the reasons set forth in the briefs and the Bakhuizen declaration, of record, that the examiner's prima facie case has been overcome.

With regard to how the decision is made as to whether a call is set up in the conventional normal transmission mode, the extended conventional transmission mode or the inventive extended transmission mode, we make reference to pages 7-8 of the specification. Therein, it is stated that access bursts arriving within two consecutive time slots can be detected and the delay can be measured. It is this measured delay that is used to determine if the call shall be set up on a normal channel or on a channel with extended range capability. The necessary offset, whether in the extended conventional transmission mode or the inventive extended transmission mode, is built into the system.

While the examiner contends that there is no disclosure of any particular device for performing the claimed method, it is not necessary to disclose such a device if it is otherwise clear that the skilled artisan would have known how to achieve the claimed subject matter. As is clear from the Bakhuizen declaration and the articles referred to therein, the skilled artisan clearly knew how to add an offset (as per Figure 2 of the instant disclosure) in the extended conventional transmission mode. Therefore, it does not appear to us that it would have been any burden on the artisan to modify the offset so as to provide an offset as shown in Figure 3 of the instant disclosure.

With regard to the examiner's perception of a synchronization problem, we agree with appellants that such a perceived problem appears to be non-existent since the invention, as disclosed and claimed, merely requires an additional offset the provision of which the skilled artisan, once directed to provide for such, would have been quite familiar. We are unconvinced of any synchronization problem occurring as a result of this additional offset.

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The examiner's decision rejecting claim 18 under 35
U.S.C. 112, first paragraph, is reversed.

REVERSED

ERROL A. KRASS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
LEE E. BARRETT)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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