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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/624,354	01/03/2022	Yassin Aden AWAD	17747US01	6366
165418	7590	11/29/2024	EXAMINER	
Xsensus / Sony			WIDHALM DE RODRIG, ANGELA MARIE	
100 Daingerfield Road, Suite 402			ART UNIT	PAPER NUMBER
Alexandria, VA 22314			2443	
			NOTIFICATION DATE	DELIVERY MODE
			11/29/2024	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.

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Office Action Summary	Application No. 17/624,354	Applicant(s) AWAD et al.	
	Examiner Angela Widhalm de Rodriguez	Art Unit 2443	AIA (FITF) Status Yes

-- 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 MONTHS 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 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 06 August 2024.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ 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*

- 5) ☒ Claim(s) 1-16,20-21,41 and 43 is/are pending in the application.
5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-16,20-21,41 and 43 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ 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).

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).

Certified copies:

- a) ☐ All b) ☐ Some** c) ☐ None of the:
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) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date _____
- 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 4) ☐ Other: _____

DETAILED ACTION

Notice of Pre-AIA or AIA Status

1. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

2. This is a final office action in response to remarks filed on 6 August 2024. Claims 1-16, 20-21, 41, and 43 are amended. No additional claims are canceled or added. Claims 1-16, 20-21, 41, and 43 are pending in this application.

Response to Arguments

3. Applicant's arguments, see remarks pages 9-10, filed 6 August 2024, with respect to the rejection(s) of claim(s) 1-16, 20-21, 41, and 43 under Ahn in view of Nishio and Babaei have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly discovered prior art Kim et al. (U.S. Patent Publication 2020/0037367 (U.S. provisional application 62/475,836)) and further in view of previously cited Nishio et al. (U.S. Patent Publication 2010/0128686) and Babaei et al. (U.S. Patent Publication 2019/0215870).

Applicant argued that the prior art of record (in particular Ahn, Nishio, and Babaei) did not explicitly disclose the amendment that the second signal comprises both control data and downlink data (see remarks pages 9-10), however examiner has incorporated newly discovered Kim into the rejection below to teach this amendment.

Claim Objections

4. Claim 43 is objected to because of the following informalities: Claim 43 was amended to recite “The communications device” in line 1. Claim 43 is an independent claim and there is no previous mention of “a communications device” within the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis (i.e., changing from AIA to pre-AIA) for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

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

A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-16, 20-21, 41, and 43 are rejected under 35 U.S.C. 103 as being unpatentable over Kim et al. (U.S. Patent Publication 2020/0037367 | U.S. provisional application 62/475,836) in view of Nishio et al. (U.S. Patent Publication 2010/0128686) and further in view of Babaei et al. (U.S. Patent Publication 2019/0215870).

8. Regarding claim 1, Kim disclosed **a method for transmitting data or receiving data by a communications device** (see Kim Fig. 7, provisional Fig. 3-1 on pages 7-8: transmission between UE and eNB during random access procedure; examiner interprets the UE as being functionally equivalent to the claimed “communications device”), **the method comprising:**

transmitting a first signal comprising a random access preamble and a first portion of uplink data (see Kim Fig. 9 #S920 Msg1, provisional page 10 line 12: UE sends Msg1 that includes random access (RA) preamble as well as early uplink (UL) data),

receiving a second signal comprising a random access response in response to the first signal (see Kim Fig. 9 #S930, provisional page 10 lines 13-14: UE receives Msg2 that includes RAR from eNB in response to RA preamble sent by UE), **and**

transmitting, in response to receiving the second signal, a third signal comprising a second portion of uplink data (see Kim Fig. 9 #S940, provisional page 10 line 15: UE sends Msg3 that includes second UL data to eNB | Examiner notes that applicant’s specification includes multiple figures (e.g. Fig. 6, 9A, 9B, 12) that describe different embodiments involving these three signals and additional signals. Examiner recommends amending the claims to clarify the desired embodiment),

wherein the second signal further comprises an indication of downlink radio resources forming a Physical Downlink Shared Channel (PDSCH) reserved for the transmission of one or more acknowledgements or negative acknowledgements (ACK/NACKs), and downlink data (see combination below), **and**

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