

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

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| Applicant's or agent's file reference PA060010 | FOR FURTHER ACTION | | See item 4 below |
| International application No. PCT/EP2007/051421 | International filing date (<i>day/month/year</i>) 14 February 2007 (14.02.2007) | Priority date (<i>day/month/year</i>) 28 February 2006 (28.02.2006) | |
| International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237 | | | |
| Applicant THOMSON LICENSING | | | |

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|--|-------------------------------------|---|---------------------|--------------------------|------------|----------|--------------------------|-------------|--|--------------------------|------------|----------------------------|-------------------------------------|-----------|---|--------------------------|------------|-------------------------|-------------------------------------|-------------|--|-------------------------------------|--------------|---|
| <p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p> | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>3. This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p> | <input checked="" type="checkbox"/> | Box No. I | Basis of the report | <input type="checkbox"/> | Box No. II | Priority | <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | <input type="checkbox"/> | Box No. IV | Lack of unity of invention | <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | <input type="checkbox"/> | Box No. VI | Certain documents cited | <input checked="" type="checkbox"/> | Box No. VII | Certain defects in the international application | <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. II | Priority | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention | | | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. VI | Certain documents cited | | | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | Box No. VII | Certain defects in the international application | | | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application | | | | | | | | | | | | | | | | | | | | | | |

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| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland | Date of issuance of this report 02 September 2008 (02.09.2008) |
| Facsimile No. +41 22 338 82 70 | Authorized officer <p style="text-align: center; font-size: 1.2em;">Yolaine Cussac</p> e-mail: pt05.pct@wipo.int |

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43*bis*.1)

To:

see form PCT/ISA/220

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2007/051421

International filing date (day/month/year)
14.02.2007

Priority date (day/month/year)
28.02.2006

International Patent Classification (IPC) or both national classification and IPC
INV. H04L12/28 H04Q7/38

Applicant
THOMSON LICENSING

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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Date of completion of
this opinion

see form
PCT/ISA/210

Authorized Officer

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2007/051421

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - the international application in the language in which it was filed
 - a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material:
 - on paper
 - in electronic form
 - c. time of filing/furnishing:
 - contained in the international application as filed.
 - filed together with the international application in electronic form.
 - furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2007/051421

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|-------------|
| Novelty (N) | Yes: Claims | <u>1-21</u> |
| | No: Claims | |
| Inventive step (IS) | Yes: Claims | |
| | No: Claims | <u>1-21</u> |
| Industrial applicability (IA) | Yes: Claims | <u>1-21</u> |
| | No: Claims | |

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Reference is made to the following documents:

D1: EP 1 331 791 A2

D2: US2003/0091011 A1

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. The present application does not meet the requirements of Article 33 PCT because the subject-matter of **claim 1** does **not** imply an **inventive** step. This will be discussed in the following.

Document **D1** cited in the search report (applying the terminology of present **claim 1** and references of or to **D1**) discloses a communication system for performing a seamless handover of a mobile station between at least a first wireless access point and a second wireless access point within wireless LAN (paragraphs 10 and 25), wherein, the mobile station is coupled with at least the first wireless access point for receiving and/or sending the data from and/or to the first wireless access point (paragraphs 26 and 27), the communication system comprises:
a first server for storing data from a data source (paragraph 28; "20" in figure 1; "202" in figure 5);

a **network architecture** for exchanging data between the first server and the first and second wireless access points (paragraphs 22-27 and 90; "12" in figure 5);
and a second server (paragraph 28; "202" in figure 1; "202" in figure 5), coupled with the **network architecture**, for storing the data from the first server when the mobile station roams from the first access point to the second access point, and transferring the stored data to the mobile station through the **network architecture**, so as to avoid the packet loss of the mobile station during the handover.

The communication system of **claim 1** differs from that of document **D1** solely in that it is explicitly stated that the access points and the servers are connected through a **switch**, whereas in **D1** it is just disclosed that they are connected through a **network**

architecture. However, the network architecture of **D1**, as it is disclosed in paragraph 21, lines 4-10, may include many number of subnets characterized by the access nodes (paragraph 27, lines 38-45) and that include routers (which are packet switches) and any other devices capable of being coupled via the network architecture. On the other side, as can be seen in figure 5, the servers of **D1** are also connected to each other through the network architecture.

Therefore, even if in document **D1** it is not explicitly disclosed that the switch to which the two access points and the two servers are connected is one and the same, it is disclosed that all these nodes are connected to one and the same network architecture. And the network architecture of **D1** comprises switches to connect these nodes. Therefore, a characterizing feature, for which this switch would be one and the same for all four nodes can not be considered as to imply an inventive step.

As a consequence, **claim 1** does not meet the requirements of Article 33(3) PCT for its **lack of inventive step**.

Furthermore, document **D2**, that belongs to the same technical field as **D1** and that aims to solve the same technical problem (**D2**, the abstract) as the current application discloses also a similar system in a similar node configuration also connected by a switch (**D2**, paragraphs 25-28 and 42-45). Therefore, the subject-matter of **claim 1** cannot be considered inventive over the disclosure of document **D2** either.

2. **Independent claim 10** is a mere reformulation of claim 1 in order to define the corresponding **communication method**. Therefore, the same arguments with regard to inventive step apply. Thus, **claim 10** does also not meet the requirements of Article 33 (3) PCT.
3. Furthermore, **dependent claims 2 to 9 and 11 to 21** do not appear to contain any additional features which, in combination with the features of any claim to which they refer, involve an inventive step for the reason that the subject-matter of said claims is

either in principle directly derivable from the disclosure of document **D1** (see for **claims 2 and 11** paragraph 33, lines 1-6; for **claims 3, 4, 12 and 14** paragraph 33, line 6 - paragraph 36; for **claims 4, 8, 13 and 17** paragraphs 25-29; for **claims 6 and 15** paragraph 39) **or** represents simple design details which are generally known to the person skilled in the field of mobile communication systems.

As a consequence, **claims 2 to 9 and 11 to 21** do not meet the requirements of Article 33(3) PCT for lack of inventive step of their subject-matter.

Re Item VII

Certain defects in the international application

The **independent claims** are not in the **two-part form** in accordance with Rule 6.3(b) PCT.

Re Item VIII

Certain observations on the international application

The feature "...for performing **the** seamless handover..." defined in **claims 1 and 10** is not clear, no seamless handover having been defined before.