

सं.संख्या/Ref.No /आवेदन संख्या/Application No/ 202027000127

दिनांक/Date of Dispatch/Email: 25/03/2022

श्रेष्ठ मे./To
 Sonali Mewar,
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विषय: एकस्व अधिनियम, 1970 की धारा 12 व 13 तथा एकस्व नियम, 2003 के अधीन परीक्षण रिपोर्ट

Subject: Examination report under sections 12 & 13 of the Patents Act, 1970 and the Patents Rules, 2003.

1. उपर्युक्त आवेदन के संदर्भ में परीक्षण रिपोर्ट (अर्थात्, एकस्व नियम, 2003 (यथा संशोधित) के नियम 24-ख(3) में विनिर्दिष्ट आपत्तियों का पृथम कथन) इसके साथ संलग्न है। यह रिपोर्ट परीक्षण हेतु अनुरोध दिनांक 12/07/2021 के उत्तर में जारी की गयी है। परीक्षण रिपोर्ट का उत्तर दायित करने की अंतिम तिथि (अर्थात्, इस रिपोर्ट में लगाई गयी सभी आवश्यकताओं के अनुपालन की अवधि) आवेदक को आपत्तियों का पृथम कथन जारी होने की तिथि से छः माह है।

Please find enclosed herewith an Examination Report (i.e. a first statement of objections as specified in Rule 24-B(3) of The Patents Rules, 2003 (as amended)) in respect of above-mentioned application. This report is issued with reference to a request for examination dated 12/07/2021. The last date for filing a response to the Examination Report (i.e. a period to comply with all the requirements raised in this examination report) is six months from the date on which the first statement of objections is issued to the Applicant.

2. यदि रिपोर्ट के अंतर्गत लगाई गयी आवश्यकताओं का अनुपालन एकस्व नियम, 2003 (यथा संशोधित) के नियम 24 ख(5) में विनिर्दिष्ट अवधि के भीतर अंदर अनुपालन नहीं किया गया तो एकस्व अधिनियम 1970 की धारा 21(1) के अधीन वर्तमान आवेदन को परित्यक्त माना जाएगा।
 The instant application shall be deemed to have been abandoned under Section 21(1) of The Patents Act, 1970, unless all the requirements raised in this report are complied with in the period as specified in Rule 24-B (5) of The Patents Rules, 2003 (as amended).
3. आपका ध्यान एकस्व नियम, 2003 के नियम 24 ख(6) के प्रावधानों की ओर भी आमंत्रित किया जाता है।
 Your attention is also invited to the provisions of Rule 24-B (6) of the Patents Rules 2003.
4. आपको सलाह दी जाती है कि शीघ्र निपटान हेतु अपना उत्तर शीघ्र प्रस्तुत करें।
 You are advised to file the reply at the earliest for early disposal.

Pinkesh Jain
 नियंत्रक पेटेंट/ Controller of Patents

संलग्न/Enclosed: आपशेक्त अनुसार/As above

टिप्पणी: यह इलेक्ट्रोनिक रूप से उत्पन्न रिपोर्ट है।

NOTE: This is an electronically generated report.

सभी पत्राचार नियंत्रक एकस्व को उपरोक्तिरिखित पते पर भेजा जाये।

All communications should be sent to the Controller of Patents at the above mentioned address.

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परीक्षण रिपोर्ट /Examination Report

आवेदन संख्या /Application Number	202027000127
दाखिल करने की तिथि /Date of Filing	02/01/2020
पूर्विक दिनांक /Date of Priority	11/08/2017
पीसीटी अंतर्राष्ट्रीय आवेदन की संख्या व दिनांक / PCT International Application No. & Date	US2018045972 -- 09/08/2018
आवेदक /Applicant	QUALCOMM INCORPORATED
परीक्षण हेतु अनुरोध की संख्या व दिनांक /Request for Examination No. & Date	R20212023567 12/07/2021
प्रकाशन की तिथि /Date of Publication	14/02/2020

इस परीक्षण रिपोर्ट के चार भाग हैं, अर्थात रिपोर्ट का सारांश, विस्तृत तकनीकी रिपोर्ट, औपचारिक आवश्यकताएँ तथा रिकॉर्ड में दस्तावेज़।
This examination report consists of four parts, namely summary of the report, detailed technical report, formal requirements and documents on record.

भाग -1: रिपोर्ट का सारांश

PART-I: SUMMARY OF THE REPORT

क्र. सं. /Sl. No.	अधिनियम के तहत आवश्यकताओं पर विस्तृत टिप्पणियां /Requirements under the Act	दावों की संख्या /Claim Numbers	टिप्पणी /Remarks
1.	धारा 2(1)(ज) के तहत आविष्कार /Invention u/s 2(1)(j)	नवीनता /Novelty दावे /Claims: 1-44 दावे /Claims: दावे /Claims: दावे /Claims: 1-44 दावे /Claims: 1-44	हाँ /Yes नहीं /No हाँ /Yes नहीं /No हाँ /Yes नहीं /No
2.	धारा 3 के अधीन पेटेंट-असोब्यता (यदि हाँ, खंड 3(क-त) /Non-patentability u/s 3 (if yes, specify section3(a-p))	दावे /Claims: 1-44 दावे /Claims:	हाँ /Yes क, m नहीं /No
3.	धारा 10 (5) के अधीन आविष्कार की एकता /Unity of invention u/s 10 (5)	दावे /Claims: 1-44 दावे /Claims:	हाँ /Yes नहीं /No
4.	धारा 10(4) के अधीन प्रकाटन की दक्षता (हाँ/नहीं निर्दिष्ट करें)/Sufficiency of disclosure u/s 10 (4) (Specify Yes/No)	दावे /Claims: 1-44	Yes
5.	सह-तंत्रित / विदेशी आवेदन (जो) हेतु आवश्यक संदर्भ (हाँ/नहीं निर्दिष्ट करें) /Reference to co-pending/foreign application(s) required (Specify Yes/No)	दावे /Claims: 1-44	No
6.	[धारा 10(5) व 10(4) (ग)] के अधीन दावे /Claims [u/s 10(5) & 10(4) (c)]	स्पष्टता/ संक्षिप्तता /Clarity / Conciseness दावे /Claims: 1-44 परिभाषिकता /Definitive दावे /Claims: 1-44 विवरण द्वारा समर्थित /Supported by description दावे /Claims: 1-44 शोत्र /Scope दावे /Claims:	हाँ /Yes नहीं /No हाँ /Yes नहीं /No हाँ /Yes नहीं /No हाँ /Yes नहीं /No

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भाग -II विस्तृत तकनीकी रिपोर्ट

PART-II: DETAILED TECHNICAL REPORT

क. उद्धरित दस्तावेजों की सूची /A.List of documents cited:

(क) पेटेंट साहित्य / (a). Patent Literature :

क्र. सं. / Sl.no	दस्तावेजों का विवरण /Details of documents	प्रकाशन तिथि(दिन/माह/वर्ष) / Publication date	उद्धरित दस्तावेज का प्रायांगिक विवरण (पृष्ठ व अनुच्छेद संख्या) / Relevant description (page and paragraph no.) of cited document	उद्धरित दस्तावेज के प्रायांगिक लाए / Relevant claims of cited document	अभिकथित आविष्कार के लाए /Claims of alleged invention
1	D1: US20130301444A1	14/11/2013	Paragraphs [0002, 0021, 0028, 0039 & 0042]; Figure [1]	Claims 1-24	Claims 1-44
2	D2: US20110194630A1	11/08/2011	Paragraphs [0007 & 0034]	Claims 1-20	Claims 1-44
3	D3: US20150223087A1	06/08/2015	Paragraphs [0039, 0042 & 0047]	Claims 1-24	Claims 1-44

(ख) जैर-पेटेंट साहित्य /(b).Non-patent literature

कोई दस्तावेज उद्धृत नहीं है /No Document Cited

ख. अधिनियम के तहत आवश्यकताओं पर विस्तृत टिप्पणियां /B. Detailed observations on the requirements under the Act:

(1).आविष्कारी कदम / INVENTIVE STEP:

(I) ऊपर उद्धरित दस्तावेज़(जों) के संदर्भ में स्पष्ट अध्यापन(नों) को ध्यान में रखते हुए, निम्नलिखित कारणों से लावा(वों) (1-44) में आविष्कारी कदम की कमी है

Claim(s) (1-44) lack(s) inventive step, being obvious in view of teaching (s) of cited document(s) above under reference for the following reasons:

The subject matter of claims 1-44 does not constitute an invention under section 2(1) (j) of the Patents Act, 1970 (as amended) because it does not involve an inventive step in view of the following documents:

D1: US20130301444A1

D2: US20110194630A1

D3: US20150223087A1

The references to the documents are given in the parentheses.

D1 teaches that the group message may control various operations of the UEs of the group with respect to the component carrier or group of component carriers from the other spectrum and optionally also with respect to one or more of the component carriers from the spectrum. The group message could activate the usage of the component carrier or group of component carriers by the UEs of the group. The group message may further also

activate the usage of one or more of the component carriers from the spectrum. The UEs of the group would then be allowed to transmit or receive user data on the activated component carrier(s). Further, the group message could also deactivate the usage of the component carrier or group of component carriers by the UEs of the group. The group message may further also deactivate the usage of one or more of the component carriers from the spectrum. In particular, the UEs of the group may be caused to stop transmitting any signals on the deactivated component carrier(s). Further, the UEs of the group may be caused to stop performing measurements on the component carrier or group of component carriers and optionally also on one or more of the component carriers of the spectrum. The group message could be used for activating and deactivating usage of the component carriers from one or more of the other spectra and optionally also on one or more of the component carriers of the spectrum, on the basis of a time schedule and/or in response to load measurements in the mobile communication network. In this way, the component carriers could be used during high-load periods to provide additional capacity, and their usage could be deactivated during low-load periods to save energy. When activating one or more of the component carriers from the other spectra one or more component carriers from the spectrum could be deactivated. Similarly, when deactivating one or more of the component carriers from the other spectra one or more component carriers from the spectrum could be activated. In this way, switching between inter spectrum carrier aggregation and intra-spectrum carrier aggregation could be efficiently triggered by the group message. The group message may also control the UEs of the group with respect to performing measurements on the component carriers and optionally also on one or more of the component carriers of the spectrum 30, e.g., by providing data to define a measurement configuration. (Refer Paragraphs [0002, 0021, 0028, 0039 & 0042]; Figure [1])

D2 teaches that in addition to the PUSCH and the PUCCH, the uplink channels also comprises the SRS which is generally used as a way for the service node to measure the signal quality of the uplink channel from the mobile communications device. The SRS may be transmitted via a single OFDM symbol or multiple OFDM symbols. Taking the LTE system for example, in this embodiment, the mobile communications device uses the cell-specific parameters u and v, and the UE-specific parameters N and nSRS CS to generate the signal sequence of an SRS, wherein the UE-specific parameter nSRS CS represents a CS value out of M possible values. Firstly, the SRS sequence generator generates the signal sequence of an SRS using the cell-specific parameters and the UE-specific parameters. Secondly, the UE-specific parameter nSRS CS is phase-rotated or cyclically shifted, and the SRS sequence generator generates the signal sequence of the SRS using the cell-specific parameters u and v, the UE-specific parameter M, and the phase-rotated or cyclically shifted UE-specific parameter nSRS CS. Thirdly, the signal sequence is generated by replacing specific sequence elements in the signal sequence with the corresponding sequence elements in the signal sequence. Lastly, the mobile communications device transmits the signal sequence to the service node. The even-indexed sequence elements in the signal sequence are selected to replace the even-indexed sequence elements in the signal sequence. Alternatively, the odd-indexed sequence elements in the signal sequence are selected to replace the odd-indexed sequence elements in the signal sequence, or the signal sequence is replaced with the signal sequence. (Refer Paragraphs [0007 & 0034])

D3 teaches that the processor may determine the switch timing according to a measurement gap pattern configured by the serving eNB for measuring one or more measurement objects. To be more specific, the processor may extend the operation bandwidth and adjust the centre frequency of the signal processing component between two measurement gaps, such that the operation band of the signal processing component covers both bandwidth of the PCC and the SCC. (Refer Paragraphs [0039, 0042 & 0047])

In view of the teachings of the documents D1-D3, the subject matter of claim 1 lacks an inventive step.

The dependent claims 2-9 disclose additional technical features which would have been obvious to a person skilled in the art at the time of the alleged invention in view of the teachings of the documents D1-D3. Hence, claims 2-9 lack an inventive step.

The independent claim 10 & its dependent claims 11-18 are system claims for the method claimed in claims 1-9. Hence, claims 10-18 lack an inventive step on the same basis as claims 1-9.

The independent claim 19 & its dependent claims 20-27 claim computer-readable medium for implementing the method claimed in claims 1-10. Hence, claims 19-27 lack an inventive step on the same basis as claims 1-9.

The independent claim 28 & its dependent claims 29-36 are apparatus claims for the method claimed in claims 1-9. Therefore, claims 28-36 lack an inventive step on the same basis as claims 1-9.

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The independent claim 37 & its dependent claim 38 do not disclose any additional technical features. Hence, claims 37 & 38 lack an inventive step.

The independent claim 39 & its dependent claim 40 are system claims for the method claimed in claims 37 & 38. Hence, claims 39 & 40 lack an inventive step on the same basis as claims 37 & 38.

The independent claim 41 & its dependent claim 42 claims computer-readable medium for implementing the method claimed in claims 37 & 38. Hence, claims 19-27 lack an inventive step on the same basis as claims 1-9.

The independent claim 43 & its dependent claim 44 are apparatus claims for the method claimed in claims 37 & 38. Therefore, claims 43 & 44 lack an inventive step on the same basis as claims 37 & 38.

Therefore, the subject matter of claims 1-44 lacks an inventive step.

(2).पेटेंट अयोग्यता /NON-PATENTABILITY:

(I) गिर्जानितिका कारणों से धारा 3 के खंड (k, m) के प्रावधान के तहत दावा(वे) (1-44) सांविधिक रूप से पेटेंट योग्य नहीं हैं /
Claim(s) (1-44) are statutorily non-patentable under the provision of clause (k, m) of Section 3 for the following reasons:

- i. Claims 1-44 do not define any structural features of the means, computer readable storage medium, memory, processor rather they define computer instructions stored in memory and executable by processor. These instructions are nothing but computer program per se. Hence subject matter of said claims falls within scope of clause (k) of section (3) of the Patents Act, 1970 (as amended). Therefore invention claimed in said claims is not patentable.
- ii. Claims 1-9, 37-38 recite various method steps without disclosing what apparatus/structural component carried out said steps. In absence any structural limitations, subject matter of these claims is mere scheme and hence falls within scope of clause (m) of section (3) of the Patents Act, 1970 (as amended). Therefore invention claimed in said claims is not patentable.

(II) इस आवेदन का दावा (के दावे) सह-तंत्रिका आवेदन संख्या के दावे के परस्पर विरोध में हैं।

Claim(s) of the instant application conflict(s) with claim(s) of co-pending application no.

(4).प्रकटन की दक्षता /SUFFICIENCY OF DISCLOSURE:

(5).स्पष्टता एवं संक्षिप्तता /CLARITY AND CONCISENESS:

(I) दावा(वे) 1-44 के संबंध में स्पष्ट रूप से परीभासित नहीं हैं।

Claim(s) 1-44 are not clearly worded in respect of:

1. The claims shall be stated in the two-part form. The technical features already known in the prior art shall be stated in the preamble part of the claims and the novel inventive features shall be stated in the characterizing part of the claim to enhance the clarity of the claims.
2. The preamble of the claims shall be clearly stated therein.
3. The vague and imprecise statement in the description in the last paragraph implies that the subject matter for which protection is sought may be different to that defined by the claims, thereby resulting in a lack of clarity of the claims when the description is used to interpret the claims. Such a statement should, therefore, be amended to remove this inconsistency.
4. The various definitions of the invention given in independent claims 1, 10, 19, 28, 37, 39, 41 & 43 are such that the claims as a whole are not clear and concise and the plurality of independent claims makes it difficult to determine the matter for which protection is sought.
5. Claims are not clear in respect of the expressions “further comprising”.

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(6). परिभ्राष्टिकता /DEFINITIVENESS:

(I) दावा(वे) 1-44 निम्नलिखित कारणों से आविष्कर को पर्याप्त रूप से परिभ्राष्ट नहीं करता(ते) हैं
 Claim(s) 1-44 do not sufficiently define the invention for the reasons as follows:

1. Claims 28-36, 43-44 recite various means for switching component carriers. These claims are not clear in respect of the structural features of the said means. Claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. In the absence of such structural features, the claims are indefinite and do not satisfy the requirement of section 10(4)(c) of the Patents Act, 1970(as amended).
2. Reference numerals shall be inserted in the claims to enhance the intelligibility of the claims.

(7). अन्य आवश्यकताएँ /OTHERS REQUIREMENTS:

(I)

In case the applicant decides to amend the claims subsequent to this report, the same shall be drafted afresh to include the technical advancement over the prior art cited in the examination report as required u/s 2(1)(j) of the Patents Act, 1970 (as amended). If any amendment is necessitated in the complete specification then it is required to clearly identify (submission of marked copy) the amendments carried out and to indicate the portion (page no and line no) of the complete specification as filed on which these amendments are based on. Further the pages wherever amendments are carried out need to be freshly typed on white pages and to be filed. Care shall be taken that requirement Section 59 of the Act is also met.

भाग – III: औपचारिक आवश्यकताएँ /PART-III: FORMAL REQUIREMENTS

आपत्तिया /Objections	टिप्पणी /Remarks
Statement & Under Taking (Form 3 Details)	Details as required under section 8(1) and 8(2) of the Act should be submitted.
Power of Attorney (Whether GPA, SPA, Stamped, requisite fee etc.)	Stamp duty for power of attorney should be paid for instant application.
Format of Specification (rule 13)	<ol style="list-style-type: none"> 1. The preface to claims shall be amended to read as “We claim”. 2. Reference numerals shall be stated in the abstract for better clarity.
Format of Drawings	Drawings referred to in the specification shall be prepared in accordance with the instructions contained in Rule 15 of the Patent Rules, 2003 (as amended).
Other Deficiencies	All the submitted documents and forms like PA/GPA etc. have been presumed as originally signed by the authorized signatory under the provisions of the Patents Act, 1970. If not, submit the original signed copy of the same failing to which the document may not be considered filed.

भाग-IV: रिकॉर्ड में दस्तावेज़ /PART-IV: DOCUMENTS ON RECORD

निम्नलिखित दस्तावेज़ों के आधार पर यह परीक्षण रिपोर्ट तैयार की गयी है

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The examination report has been prepared based on the following documents:

कार्यसूची तिथि / Docket Date	कार्यसूची संख्या /Docket Number	प्रविष्ट संख्या विवरण /Entry Number Description
02 Jan 2020	181	1-New Application For Patent With Provisional /Complete Specification
10 Feb 2020	7738	Proof of Right
06 May 2020	30599	3-Statement & Undertaking - Form 3
12 Jul 2021	36597	28(i)-Request For Examination After 18 months Publication - Form 18

नियंत्रक का नाम /Name of the Controller: Pinkesh Jain

नियंत्रक स्थान /Controller Location: Mumbai

टिप्पणी: परीक्षण रिपोर्ट का उत्तर दाखिल करने की अंतिम तिथि / Note: Last date for filing response to the Examination Report: 25/09/2022