

## INTERNATIONAL SEARCH REPORT

International application No

PCT/US2007/061497

## A. CLASSIFICATION OF SUBJECT MATTER

INV. H04Q7/38

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

H04Q

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the International search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category* | Citation of document, with indication, where appropriate, of the relevant passages   | Relevant to claim No. |
|-----------|--|-----------------------|
| X         | WO 95/26113 A (MOBILE TELECOMM TECH [US])<br>28 September 1995 (1995-09-28)<br>abstract<br>page 1 - page 9; figures 1-8<br>----- | 1-20                  |
| X         | US 2002/024940 A1 (SMITH SCOTT R [US])<br>28 February 2002 (2002-02-28)<br>the whole document<br>-----                           | 1-20                  |

☐

Further documents are listed in the continuation of Box C.

☒

See patent family annex.

## \* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*&\* document member of the same patent family

Date of the actual completion of the international search

9 July 2007

Date of mailing of the international search report

18/07/2007

Name and mailing address of the ISA/

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# INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/US2007/061497

| Patent document<br>cited in search report |    | Publication<br>date | Patent family<br>member(s) | Publication<br>date |
|---|----|---------------------|----------------------------|---------------------|
| WO 9526113                                | A  | 28-09-1995          | AU 1995495 A               | 09-10-1995          |
| US 2002024940                             | A1 | 28-02-2002          | NONE                       |                     |

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.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/US2007/061497

International filing date (day/month/year)  
01.02.2007

Priority date (day/month/year)  
01.02.2006

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

Applicant  
QUALCOMM INCORPORATED

**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 43bis.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 66.1bis(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

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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2007/061497

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**Box No. I Basis of the opinion**

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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:

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**Box No. II Priority**

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1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43*bis*.1 and 64.1) is the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2007/061497

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**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**

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1. Statement

|                               |             |             |
|-------------------------------|-------------|-------------|
| Novelty (N)                   | Yes: Claims |             |
|                               | No: Claims  | <u>1-20</u> |
| Inventive step (IS)           | Yes: Claims |             |
|                               | No: Claims  | <u>1-20</u> |
| Industrial applicability (IA) | Yes: Claims | <u>1-20</u> |
|                               | No: Claims  |             |

2. Citations and explanations

see separate sheet

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**Box No. VII Certain defects in the international application**

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

see separate sheet

Reference is made to the following documents:

- D1: WO 95/26113 A (MOBILE TELECOMM TECH [US]) 28 September 1995 (1995-09-28)  
D2: US 2002/024940 A1 (SMITH SCOTT R [US]) 28 February 2002 (2002-02-28)

**Re Item V**

1. Document D1 discloses (the references in parentheses applying to this document) in accordance with the features of claim 1  
a system to provide an indication to a user of a first wireless communication device that a communication is waiting or wanted (see abstract; Fig. 1 and 2), the system comprising:  
a first wireless communication device (20) comprising a display indicator (Fig. 2: 210);  
a second wireless communication device (21);  
a dispatch center (12);  
a data link connecting the first communication device and the second communication device (see Display 210 in Fig. 2 which is connected to Mobile Phone 20 **and** Radio Pager 21);  
a first wireless communication network connecting the first wireless communication device to the dispatch center (Fig. 1: 18, 20); and  
a second wireless communication network connecting the second wireless communication device to the dispatch center (30, 21), wherein when the first wireless communication device is outside of the first wireless communication network, the dispatcher is arranged to alert the user of the first wireless communication device that the communication is waiting or wanted by causing the second wireless communication device to send a signal to the first wireless communication device causing the display indicator to indicate said alert (page 3, lines 3-17).

It should be noted, that a **dispatch** center does not represent a technical feature and thus merely represents a calling party/station.

Therefore the subject-matter of independent **claim 1** is **not new** in the sense of Article 33(2) PCT.

2. It should be noted, that document D2 (see in particular paragraph [0017]) also describes a method for providing a respective indication including all the features of claim 1.  
Thus the novelty objection raised above also holds for claim 1 with respect to D2.
3. Even if the applicant were to slightly modify claim 1 or to interpret it in such a manner as to enable him to allege that its subject-matter is new (e.g. by explicitly defining that first and second communication devices are physically separated), said claim would not be allowable for lack of inventive step (Article 33(3) PCT) since documents D1 and D2 disclose in fact the same object and provide corresponding means as defined in the present application.
4. Dependent **claims 2-12** are either known from the available prior art and therefore **not new (Article 33(2) PCT)** or merely represent a selection of several straightforward options which do not meet the requirements of the PCT with respect to **inventive step (Article 33(3) PCT)**.
5. Independent claim 13 merely defines the method steps corresponding to the system of claim 1.  
Therefore the subject-matter of independent **claim 13 is not new** in the sense of Article 33(2) PCT (see argumentation above).
6. Dependent **claims 14-16** are either known from the available prior art and therefore **not new (Article 33(2) PCT)** or merely represent a selection of several straightforward options which do not meet the requirements of the PCT with respect to **inventive step (Article 33(3) PCT)**.

7. Independent claim 17 merely defines the apparatus corresponding to the system of claim 1.  
Therefore the subject-matter of independent **claim 17 is not new** in the sense of Article 33(2) PCT (see argumentation above).
8. Dependent **claims 18-20** are either known from the available prior art and therefore **not new (Article 33(2) PCT)** or merely represent a selection of several straightforward options which do not meet the requirements of the PCT with respect to **inventive step (Article 33(3) PCT)**.

**Re Item VII**

- a) Documents D1 and D2, cited in the International Search Report, are not identified in the description and the relevant background art disclosed therein is not discussed in the introductory part of the description, in such a way that the inventive merit of what is claimed can be readily understood (Rule 5.1(a)(ii) PCT).
- b) The independent claims are not drafted in the correct two-part form in accordance with Rule 6.3(b), with those features known in combination from a prior art document being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).
- c) The claims do not include reference signs in parentheses where features shown in the drawings are referred to (Rule 6.2(b) PCT). This applies to both preamble and characterising portion.
- d) The present application contains two independent apparatus claims of overlapping scope (claims 1 and 17). Thus the claims as a whole are not clear and concise according to the requirements of Article 6 PCT.



The claims should have been recast to include only the minimum number of independent claims in any category, Rule 6.1(a) PCT, with dependent claims as appropriate, Rules 6.4(a)-(c) PCT.

In the present case it is considered appropriate to use only one independent apparatus claim.

- e) Claims 1 and 17 do not impose clear restrictions on the structure of the system itself as required by Article 6 PCT .  
Some of the essential features in the apparatus claims relate to a method of using the apparatus rather than clearly defining the apparatus in terms of its structural technical features (e.g. "... when the first wireless communication device is outside ... causing the second wireless communication device to send ...").  
The intended limitations are therefore not clear, contrary to the requirements of Article 6 PCT.

Claims to a system are regarded as claims to an apparatus and not as claims to a method or process. Thus, in order to meet the requirements of Article 6 PCT with respect to clarity, the claims should have been reworded using apparatus features imposing clear restrictions on the structure of the system (e.g. using "adapted for/means for ...").

- f) The wording "can" used in claims 1 and 17 is vague and renders the definition of the subject-matter of these claims unclear (Article 6 PCT).