

Appeal No. 2008-004602

Reexamination Control 90/006,493, 90/006,680, 90/007,735

Patent No. 5,819,172

6. Verjinski -- Verjinski, Richard D., "PHASE, A Portable Host Access System Environment," 3 IEEE Military Communications Conference 1989, 0806-0809 (1989).

7. DeVaney -- U.S. Patent 4,698,839, issued October 6, 1987, based on application filed June 3, 1986.

Claims 295-317 were finally rejected under 35 U.S.C. § 112, first paragraph, as without written description in the specification.

Claims 295-317 were finally rejected under 35 U.S.C. § 112, first paragraph, as lacking an enabling disclosure.

Claims 295-317 were rejected under 35 U.S.C. § 305 as violating the prohibition against enlargement of the scope of a patent claim in a reexamination proceeding.

Claims 1, 38, 74, 88, 99, and 126 were rejected under the judicially created doctrine of obviousness-type double patenting over "at least claim 1" of each of Patent Nos. 5,436,960; 5,438,611; 5,479,472; 5,631,946; 6,067,451; and 6,317,592. The rejection, however, was later withdrawn. (Answer 198:12-24.)

## DISCUSSION

The discussion below is organized into Sections A-J.

Section A discusses claim interpretation.

Section B discusses rejections based in whole or in part on Telenor '89.

Section C discusses rejections based in whole or in part on Perkins.