



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/700,523	01/30/2007	John Friend	5545P025D	8958

8791 7590 02/26/2013
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
1279 Oakmead Parkway
Sunnyvale, CA 94085-4040

EXAMINER

BLAIR, DOUGLAS B

ART UNIT	PAPER NUMBER
2442	

MAIL DATE	DELIVERY MODE
02/26/2013	PAPER

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JOHN FRIEND,
MICHAEL BELSHE, and DAVID HOFFMAN

Appeal 2010-006116
Application 11/700,523
Technology Center 2400

Before JOSEPH F. DIXON, MAHSHID D. SAADAT, and
CARLA M. KRIVAK, *Administrative Patent Judges*.

KRIVAK, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from a final rejection of claims 16-18, 20-22, and 24-26. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

Appellants' claimed invention is directed to "an apparatus and method for synchronizing a wireless data processing device with a wireless messaging service" (Spec. ¶ [0003]).

Independent claim 16, reproduced below, is representative of the subject matter on appeal.

16. A method comprising:

receiving service adjustment data at a data center from a messaging service to adjust a wireless data service between the messaging service and a wireless device; and

the data center modifying routing connections to deliver service specific messages between the wireless device and the messaging service by adding a first routing connection if first service adjustment data indicates the addition of a first service and deleting a second routing connection if second service adjustment data indicates an elimination of a second service.

REFERENCE and REJECTION

The Examiner rejected claims 16-18, 20-22, and 24-26 under 35 U.S.C. § 102(e) based upon the teachings of Lewis (US 7,010,303 B2, March 07, 2006).

ANALYSIS

Appellants argue claims 16-18, 20-22, and 24-26 together (App. Br. 7). Thus, we select claim 16 as the representative claim. *See* 37 C.F.R. § 41.37 (c)(1)(iv).

Appellants contend the Examiner is incorrect in finding Lewis teaches all of Appellants' claim limitations, particularly "receiving service adjustment data at a data center from a messaging service to adjust a wireless data service between the messaging service and a wireless device" (App. Br. 9). Appellants then contend Lewis discloses a wireless router coupled to a plurality of host services or host systems and Figure 4 of Lewis, shows the wireless router *includes* a registration services support element (App. Br. 8; Reply Br 4). Thus, Appellants argue, Lewis specifies a wireless router, rather than the hosts, modify routing connections (App. Br. 8-9).

The Examiner finds Lewis teaches a wireless device accessing a network to ascertain service adjustments and Appellants do not identify what "service adjustment data" is, except it can be added or deleted from the wireless device (Ans. 5-6). Likewise, Appellants do not identify any definition of a "data center" or "messaging service" (Ans. 7). The Examiner finds due to the broad scope of Appellants' claims, the interpretation of Lewis is consistent with Appellants' disclosure (Ans. 6-7). Further, we find, even if the Examiner misinterpreted the claim language as Appellants assert (Reply Br. 3) and the registration sever is not at the wireless router, i. e., the messaging service is not at the data center, Lewis still teaches this alternate interpretation (*see*, e.g., Figs. 3-4; Ans. 6; Lewis ¶¶ [0039]-[0041]).

Additionally, it should be noted that structural features argued by Appellants in the Reply Brief have no bearing on our analysis as the location

Appeal 2010-006116
Application 11/700,523

of the elements does not limit their function. Appellants have not shown how the claimed method is different from Lewis, and thus, have not shown error in the Examiner's reasoned findings of anticipation. We therefore sustain the anticipation rejection of claim 16, and claims 17, 18, 20-22, and 24-26, not argued separately.

DECISION

The Examiner's decision rejecting claims 16-18, 20-22, and 24-26 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

Vsh