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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes details for application 11/693,924, inventor Aravind Sitaraman, and attorney Baker Botts L.L.P.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ARAVIND SITARAMAN, AZIZ ABDUL, BERNARD R.
JAMES, DENNIS J. COX, JOHN A. JOYCE, PETER S. HEITMAN,
SHUJIN ZHANG, and RENE T. TIO

Appeal 2010-007673
Application 11/693,924
Technology Center 2400

Before KEVIN F. TURNER, STEPHEN C. SIU, and
BRIAN J. MCNAMARA, *Administrative Patent Judges*.

SIU, *Administrative Patent Judge*

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134 from the Examiner's rejection of claims 47, 49-50, 52-57, 59-64, 68-72, 74-82, 84-86, and 88-92. Claims 1-46 were cancelled. Claims 48, 51, 58, 65, 67, 73, 79, 83, and 87 were deemed patentable by the Examiner. We have jurisdiction under 35 U.S.C. § 6(b).

STATEMENT OF THE CASE

The disclosed invention relates generally to identifying a subscriber for connection to a communication network (Spec. 1).

Independent claim 47 reads as follows:

47. (Original) A system for identifying a subscriber, comprising:
an access server coupled to a plurality of subscribers using a first communication network and further coupled to a second communication network, the access server operable to receive a communication from a particular subscriber using a particular one of a plurality of virtual circuits associated with the first communication network;

a memory coupled to the access server and operable to store path information for the plurality of subscribers, the path information for the particular subscriber identifying a virtual circuit that is pre-assigned to the particular subscriber for communicating with the access server; and

a processor coupled to the memory and operable to:

compare the path information for the particular subscriber to the particular virtual circuit used to receive the communication from the particular subscriber; and

identify the particular subscriber for connection to the second communication network based on the comparison.

The Examiner rejects claims 47, 49, 50, 54-57, 59-64, 66, 70-72, 74-78, 82, 86, and 88-92 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,111,882 (“Yamamoto”) and U.S. Patent No. 5,974,045 (“Ohkura”) and claims 52, 53, 68, 69, 80, 81, 84, and 85 under 35 U.S.C. § 103(a) as unpatentable over Yamamoto, Ohkura, and U.S. Patent No. 5,968,176 (“Nessett”).

Issue

Did the Examiner err in rejecting claims 47, 49-50, 52-57, 59-64, 68-72, 74-82, 84-36, and 88-92?

Principles of Law

The question of obviousness is resolved on the basis of underlying factual determinations including (1) the scope and content of the prior art, (2) any differences between the claimed subject matter and the prior art, and (3) the level of skill in the art. *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966).

“The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. 398, 416 (2007).

Analysis

Appellants argue that the combination of Yamamoto and Ohkura fails to disclose or suggest “a memory . . . operable to store path information . . . identifying a virtual circuit that is pre-assigned to the particular subscriber” (App. Br. 16). We disagree with Appellants for at least the reasons set forth by the Examiner (Ans. 10-15).

For example, Yamamoto discloses a “path setting management server 1” (see, e.g., col. 6, l. 37; Fig. 7) that includes an “external storage unit 17” (see, e.g., col. 6, l. 54; Fig. 7) that “stores a terminal-HUB +VPI/VCI reference table . . . for each STB terminal” (see, e.g., col. 6, l. 55; Fig. 14).

The Specification discloses that a “virtual circuit” as recited in claim 47, for example, comprises “a series of virtual path identifier (VPI) and virtual channel identifiers (VCI)” (Spec. 10). Since the “external storage unit 17” of Yamamoto stores “VPI/VCI” information and since “VPI” and “VCI” information is a “virtual circuit” as recited in claim 47 (Spec. 10), Yamamoto appears to disclose storing path information identifying a “virtual circuit” for a subscriber.

Appellants further argue that Yamamoto fails to disclose path information for a subscriber that identifies a virtual circuit that is pre-assigned to the particular subscriber (see, e.g., App. Br. 18) because, according to Appellants, Yamamoto discloses only a “reference table” that “is used . . . to *select the appropriate path between the STB terminal and the video server*” (App. Br. 18). Thus, Appellants appear to argue that Yamamoto fails to disclose or suggest virtual circuit information that is “pre-assigned to the particular subscriber,” as recited in claim 47, for example. However, as the Examiner points out and as previously described, Yamamoto discloses a reference table containing VPI/VCI for each STB terminal and determining “from which STB terminal the request has been transmitted” (col. 9, ll. 43-44) based on the “receive VPI/VCI” (col. 9, l. 43). Appellants do not demonstrate how the “virtual circuit” information (i.e., VPI/VCI information) of Yamamoto is not “pre-assigned” to a subscriber given that the VPI/VCI information is previously stored in the reference

table as corresponding to a particular subscriber or STB terminal and is subsequently used to determine which STB terminal transmitted a request.

Appellants argue that the combination of Yamamoto and Ohkura fails to disclose or suggest comparing “the path information for the particular subscriber to the particular virtual circuit used to receive the communication” (App. Br. 16). We disagree with Appellants for at least the reasons set forth by the Examiner (Ans. 10-15).

For example, as described above and as pointed out by the Examiner, Yamamoto discloses storing VPI and VCI information (i.e., path information and “virtual circuit” information) for a subscriber in an “external storage unit 17” of a “path setting management server 1.” Yamamoto also discloses that the “path setting management server 1 determines, based on a received VPI/VCI, from which STB terminal the request has been transmitted” (col. 9, ll. 42-43). In other words, Yamamoto discloses determining which subscriber (or STB terminal) has transmitted a request by comparing the stored “virtual path” information for each subscriber (i.e., path information or “VPI/VCI” information stored within the external storage unit 17) to the received VPI/VCI information for a particular subscriber (i.e., path information identifying a particular virtual circuit – or VPI/VCI information – that is actually used to receive a communication from a subscriber).

Appellants argue that the combination of Yamamoto and Ohkura fails to disclose or suggest identifying “the particular subscriber for connection to

the second communication network” (App. Br. 16, 19). We disagree with Appellants for at least the reasons set forth by the Examiner (Ans. 10-15).

For example, as described above and as indicated by the Examiner, Yamamoto discloses storing VPI/VCI information (i.e., a virtual circuit or path information) for a subscriber in an external storage of a path setting management server and determining, “based on the receive VPI/VCI, from which STB terminal the request has been transmitted” (col. 9, ll. 42-43). By determining the identity of the STB terminal (based on the virtual circuit, or VPI/VCI information, used), Yamamoto appears to disclose identifying a particular subscriber (i.e., STB terminal). Appellants have not demonstrated otherwise.

Appellants argue that it would not have been obvious to one of ordinary skill in the art to combine the Yamamoto and Ohkura references (App. Br. 21-22). We disagree with Appellants for at least the reasons set forth by the Examiner (Ans. 5). For example, as described above and as pointed out by the Examiner, Yamamoto discloses storing VPI/VCI information and determining the identity of a subscriber terminal (or STB terminal) based on corresponding stored VPI/VCI information. Ohkura also discloses utilizing “records of VPIs and VCIs corresponding to the subscriber” (col. 2, ll. 5-6) “by comparing it with the records registered therein” (col. 2, ll. 9-10). In other words, both Yamamoto and Ohkura disclose known methods of utilizing VPI/VCI information (i.e., “virtual circuit” information) to achieve the known and predictable result of

identifying subscribers corresponding to the VPI/VCI information. “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *KSR Int’l Co.*, 550 U.S. at 416.

Regarding claims 49, 59, 74, and 88, Appellants argue that the combination of Yamamoto and Ohkura fails to disclose or suggest an access server comprising an interface and a controller (see, e.g., App. Br. 23). We disagree with Appellants for at least the reasons set forth by the Examiner (Ans. 14-15). For example, Yamamoto discloses a path setting management server 1 (col. 6, l. 37) containing an interface (e.g., “an ATM interface card 15” – col. 6, ll. 40-41) and a controller (e.g., “controller 11” – col. 6, l. 42). Appellants do not demonstrate a difference between Yamamoto and the claimed “interface” and “controller,” respectively.

Appellants do not provide additional arguments in support of claims 52, 53, 68, 69, 80, 81, 84, and 85, or arguments with respect to the Nessel reference.

Conclusion of Law

The Examiner did not err in rejecting claims 47, 49-50, 52-57, 59-64, 68-72, 74-82, 84-86, and 88-92.

SUMMARY

We affirm the Examiner’s rejection of claims 47, 49, 50, 54-57, 59-64, 66, 70-72, 74-78, 82, 86, and 88-92 under 35 U.S.C. § 103(a) as

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unpatentable over Yamamoto and Ohkura and claims 52, 53, 68, 69, 80, 81, 84, and 85 under 35 U.S.C. § 103(a) as unpatentable over Yamamoto, Ohkura, and Nessett.

AFFIRMED

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