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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte STEVEN J. PAULY and ROBERT W. SISSON

Appeal 2010-008253
Application 11/232,054
Technology Center 2400

Before ERIC B. CHEN, TREVOR M. JEFFERSON, and
LARRY J. HUME, *Administrative Patent Judges*.

CHEN, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134(a) from the non-final rejection of claims 1-12, all the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

STATEMENT OF THE CASE

Appellants' invention relates to managing an inventory of secure coprocessors and processing transaction requests in a distributed system having multiple data centers. A secure coprocessor control list is maintained that includes information identifying the secure coprocessors, the secure coprocessor control list is received, and the secure coprocessor control list is provided. The particular secure coprocessor is allowed to fulfill the transaction request only if: (i) the secure coprocessor control list is verified, (ii) the secure coprocessor control list is determined to be fresh, and (iii) information identifying the particular secure coprocessor is included in the information on the secure coprocessor control list. (Abstract.)

Claim 1 is exemplary, with disputed limitations in italics:

1. A method of managing an inventory of secure coprocessors and processing a plurality of transaction requests in a system having one or more data centers, comprising:
 - maintaining a secure coprocessor control list, said secure coprocessor control list including information identifying one or more of said secure coprocessors;
 - receiving said secure coprocessor control list and one of said transaction requests at one of said one or more data centers;
 - providing said secure coprocessor control list and said one of said transaction requests to a particular secure coprocessor at said data center; and*
 - allowing said particular secure coprocessor to fulfill said one of said transaction requests only if said particular secure processor to

which said secure processor control list and said one of said transaction requests was provided (i) *verifies said secure coprocessor control list*, (ii) determines said secure coprocessor control list to be fresh, and (iii) determines that information identifying said particular secure coprocessor is included in said information identifying one or more of said secure coprocessors included in said secure coprocessor control list.

Claims 1 and 9-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Volkoff (U.S. Patent Application Publication No. 2002/0184294 A1; Dec. 5, 2002) and Cordery (U.S. Patent No. 6,466,921 B1; Oct. 15, 2002).

Claims 2-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Volkoff, Cordery, and Sasmazel (U.S. Patent No. 6,032,260; Feb. 29, 2000).

Claims 5-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Volkoff, Cordery, and Ryan, Jr. (U.S. Patent No. 6,064,993; May 16, 2000).

ANALYSIS

§ 103 Rejection – Volkoff and Cordery

We are unpersuaded by Appellants' arguments (App. Br. 7-8) that the combination of Volkoff and Cordery would not have rendered obvious independent claim 1, which includes the limitation “providing said secure coprocessor control list and said one of said transaction requests to a particular secure coprocessor at said data center.”

The Examiner found that the job ticket of Volkoff, which passes from one processor to another processor, corresponds to the limitation “providing said secure coprocessor control list and said one of said transaction requests

to a particular secure coprocessor at said data center.” (Ans. 4, 12-13; Volkoff, ¶ [0055].) We agree with the Examiner.

Volkoff relates to “integration and control of services in a networked environment.” (¶ [0001].) Figure 4 of Volkoff illustrates a service center 40 that includes a service bus 41 that communicates with a communications network 35 and processors 80_i. (¶ [0037].) The service bus 41 is coupled to a job ticket service 60 that controls one or more job tickets 61_i. (*Id.*) Volkoff explains that “processors with access authorization may have such access authorization invoked by listing the processors in the job ticket” (i.e., the claimed “secure coprocessor control list”). (¶ [0012].) Volkoff further explains that “[t]he job ticket 61 may be signed with an industry standard public key encryption message digest (MD) signature” that “allow[s] the job ticket 61 to be passed from one processor 80 to another processor 80.” (¶ [0055].) Therefore, Volkoff teaches the limitation “providing said secure coprocessor control list and said one of said transaction requests to a particular secure coprocessor at said data center.”

Appellants argue that “[a]t no point in Volkoff is any type of secure coprocessor control list or a transaction request provided to a secure coprocessor at the data center.” (App. Br. 7.) In particular, Appellants argue that “[a]lthough paragraph [0055] of Volkoff indicates that the use of a signature allows the job ticket 61 to be passed from one processor to another processor, the system in Volkoff does not operate in this manner,” but instead “[t]he job ticket in Volkoff is not provided to any of the processors.” (App. Br. 8.) Contrary to Appellants’ argument, Volkoff expressly states that for the embodiment in which the job ticket is signed with a public key encryption message digest (MD) signature, such public

key “allow[s] the job ticket 61 to be passed from one processor 80 to another processor 80.” (¶ [0055].)

Thus, we agree with the Examiner that the combination of Volkoff and Cordery would have rendered obvious independent claim 1, which includes the limitation “providing said secure coprocessor control list and said one of said transaction requests to a particular secure coprocessor at said data center.”

We are also unpersuaded by Appellants’ arguments (App. Br. 9) that the combination of Volkoff and Cordery would not have rendered obvious independent claim 1, which includes the limitation “verifies said secure coprocessor control list.”

The Examiner found that the job ticket of Volkoff, which can be signed with a key encryption message digest (MD) signature, corresponds to the limitation “verifies said secure coprocessor control list.” (Ans. 5, 15; Volkoff, Abstract, ¶ [0055].) We agree with the Examiner.

As discussed previously, Volkoff explains that “processors with access authorization may have such access authorization invoked by listing the processors in the job ticket” (i.e., the claimed “secure coprocessor control list”) (¶ [0012]) and “[t]he job ticket 61 may be signed with an industry standard public key encryption message digest (MD) signature” (¶ [0055]). Furthermore, “any user that has the public key may validate the job ticket 61 without having to communicate with the authentication server 92.” (¶ [0055]; *see also* Abstract.) Therefore, because the user is required to possess the public key in order to access the job ticket and the processors listed on the job ticket, Volkoff teaches the limitation “verifies said secure coprocessor control list.”

Appellants argue that:

since there is no secure coprocessor control list provided to any of the processors 80 in Volkoff, there is no disclosure, teaching or suggestion of the processors 80 verifying a secure coprocessor control list, or determining that information identifying the particular secure coprocessor is included in the secure coprocessor control list.

(App. Br. 9.) Contrary to Appellants' arguments, as discussed previously, Volkoff explains that the job ticket that contains the processors list may be signed with a public key (¶¶ [0012], [0055]) and thus, teaches the limitation "verifies said secure coprocessor control list."

Thus, we agree with the Examiner that the combination of Volkoff and Cordery would have rendered obvious independent claim 1, which includes the limitation "verifies said secure coprocessor control list."

We are further unpersuaded by Appellants' arguments (App. Br. 10) that the Examiner improperly combined Volkoff and Cordery.

The Examiner acknowledged that Volkoff does not disclose the limitation "determines said secure coprocessor control list to be fresh" and thus, relied upon Cordery for teaching the step of checking transaction data for freshness (Ans. 5; Cordery, col. 4, ll. 51-63). The Examiner concluded that "it would have been obvious . . . to modify Volkoff to verify the freshness of the list as in Cordery in order to 'eliminate any possibility of tampering, inadvertent or intentional.'" (Ans. 5.) We agree with the Examiner.

Cordery relates to a "method of evidencing postage payment [that] includes a data center with a database storing a plurality of meter records." (Abstract.) Upon request for postage at a data center, a secure co-processor device "verifies the authenticity of the meter record by verifying a signature

in the meter record and comparing freshness data in the meter record to freshness data in the secure device.” (Col. 4, ll. 54-56.) Once the signature is verified, “the transaction data can be checked for freshness to eliminate any possibility of tampering, inadvertent or intentional.” (Col. 4, ll. 39-42.) Therefore, Cordery teaches the limitation “determines said secure coprocessor control list to be fresh.”

A person of ordinary skill in the art would have recognized that incorporating the method of Cordery, for verifying transaction data by checking for freshness, with the job ticket service center of Volkoff, would improve Volkoff by reducing the possibility of tampering. *See KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 417 (2007). Thus, we agree with the Examiner (Ans. 5) that modifying Volkoff to include the method of Cordery for verifying transaction data would have been obvious.

Appellants argue “that the processors in Volkoff do not need to verify the freshness of the list” because “the processors 80 in Volkoff never need to determine if a ticket is expired or not, as if it was expired it would not even be available in the storage.” (App. Br. 10.) Appellants further argue that “[t]he Office Action’s reconstruction of the present invention from these references is based solely on knowledge gleaned only from the Appellants’ own disclosure” and “[t]he rejection uses impermissible hindsight to reconstruct the present invention from this reference.” (*Id.*) However, as discussed previously, the combination of Volkoff and Cordery is based on the improvement of a similar device in the same way as in the prior art.

Therefore, the Examiner has properly combined Volkoff and Cordery to reject independent claim 1 under 35 U.S.C. § 103(a).

Accordingly, we sustain the rejection of independent claim 1 under 35 U.S.C. § 103(a). Claims 9-12 depend from claim 1, and Appellants have not presented any substantive arguments with respect to these claims. Therefore, we sustain the rejection of claims 9-12 under 35 U.S.C. § 103(a), for the same reasons discussed with respect to independent claim 1.

§ 103 Rejection – Volkoff, Cordery, and Sasmazel

Although Appellants nominally argue the rejection of dependent claims 2-4 separately (App. Br. 11), the arguments presented do not point out with particularity or explain why the limitations of these dependent claims are separately patentable. Instead, Appellants argue that claims 2-4 are patentable because “[t]he reference to Sasmazel et al. does not cure any of the above deficiencies, as it was relied upon for other features.” (*Id.*) We are not persuaded by these arguments for the reasons discussed with respect to claim 1, from which claims 2-4 depend. Accordingly, we sustain this rejection.

§ 103 Rejection – Volkoff, Cordery, and Ryan, Jr.

Although Appellants nominally argue the rejection of dependent claims 5-8 separately (App. Br. 11), the arguments presented do not point out with particularity or explain why the limitations of these dependent claims are separately patentable. Instead, Appellants argue that claims 5-8 are patentable because “[t]he reference to Ryan, Jr. does not cure any of the above deficiencies, as it was relied upon for other features.” (*Id.*) We are not persuaded by these arguments for the reasons discussed with respect to

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claim 1, from which claims 5-8 depend. Accordingly, we sustain this rejection.

DECISION

The Examiner's decision to reject claims 1-12 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

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