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Morris & Kamlay LLP / 26978A
1150 18th St. NW
Suite 575
Washington, DC 20036

EXAMINER
ZELASKIEWICZ, CHRYSTINA E

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aaron@morriskamlay.com
pto@morriskamlay.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MARK E. SIMCIK and ALLEN A. CROWF

Appeal 2010-009203
Application 11/703,772
Technology Center 3600

Before MURRIEL E. CRAWFORD, HUBERT C. LORIN, and BIBHU R. MOHANTY, *Administrative Patent Judges*.

MOHANTY, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

The Appellants seek our review under 35 U.S.C. § 134 (2002) of the final rejection of claims 1-5, 7-14, and 16-22 which are all the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

SUMMARY OF THE DECISION

We REVERSE.

THE INVENTION

The Appellants' claimed invention is directed to a postal security device used to generate postal indicia (Spec. 1:1-5). Claim 1, reproduced below, is representative of the subject matter on appeal.

> 1. A postal security device for conducting a plurality of postal franking transactions, comprising:
>
> a memory for storing a descending register value and an ascending register value;
>
> a processor for generating accounting data and postal data elements for each postal franking transaction, the accounting data comprising the descending register value, the ascending register value and a postage value request;
>
> a cryptographic engine comprising a plurality of cryptographic processors, each cryptographic processor comprising a memory to store an ascending sub-register value and a descending sub-register value for the cryptographic processor; and
>
> a multiplexer to sequentially route the accounting data and the postal data elements of each of the postal franking transactions to one of the cryptographic processors;
>
> wherein each of the cryptographic processors is assigned to a subset of the plurality of postal franking transactions;

wherein each of the cryptographic processors generates a code to authenticate the accounting data and the postal data elements for each of the postal franking transactions in the subset of each cryptographic processor; and

wherein each of the cryptographic processors verifies at least one of the associated sub-register values with the corresponding register value prior to performing a franking transaction.

THE REJECTIONS

The Examiner relies upon the following as evidence in support of the rejections:

Seestrom	US 5,535,279	Jul. 9, 1996
Pintsov	US 5,586,036	Dec. 17, 1996
Liechti	US 5,715,164	Feb. 3, 1998
Goff	US 6,347,143 B1	Feb. 12, 2002

The following rejections are before us for review:

1. Claims 1-5, 7-14, and 16-18 are rejected under 35 U.S.C. § 103(a) as unpatentable over Liechti in view of Goff.

2. Claims 19 is rejected under 35 U.S.C. § 103(a) as unpatentable over Seestrom, Goff, Pinstov.

3. Claims 20-22 are rejected under 35 U.S.C. § 103(a) as unpatentable over Seestrom, Goff, Pinstov, and Liechti.

3. Claims 19-22 are rejected under 35 U.S.C. § 103(a) as unpatentable over Liechti and Goff.

FINDINGS OF FACT

We find that the findings of fact used in the Analysis section below are supported at least by a preponderance of the evidence:[1]

ANALYSIS

Rejections of claims 1-5, 7-17, and 16-18

The Appellants argue that the rejection of claim 1 is improper because the cited combination of references is improper (Br. 6-7). In contrast, the Examiner has determined that rejection of claim 1 is proper (Ans. 4-6).

We agree with the Appellants. Claim 1 requires the postal security device to include "a cryptographic engine comprising a plurality of cryptographic processors" and "a multiplexer to sequentially route the accounting data and the postal data elements of each of the postal franking transactions to one of the cryptographic processors". The Examiner has cited to Liechti at Fig. 1, col. 3:47-67, col. 5:12-33 and col. 10:59-11:5 as disclosing "a cryptographic engine comprising a plurality of cryptographic processors" (Ans. 5). These cited portions do not disclose a cryptographic engine with a plurality of processors, but rather just a group of discrete processors. Regardless, even taking these separate processors together to be a "cryptographic engine" there is no articulated reasoning with rational underpinnings for combining these with the multiplexer of Goff as claimed because the postal data would be routed to any of the individual postal

[1] *See Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1427 (Fed. Cir. 1988) (explaining the general evidentiary standard for proceedings before the Patent Office).

meters instead of the correct one in the cited combination. For this reason, the rejection of claim 1 and its dependent claims is not sustained.

Claim 10 is different in scope than claim 1 but contains a similar limitation requiring "*sequentially routing* the accounting data and the postal data elements of each of the postal franking transactions *to one of the cryptographic processors*, wherein each of the cryptographic processors is assigned to a subset of the plurality of postal franking transactions". Likewise, we find no articulated reasoning with rational underpinnings for this combination as claimed because the postal data would be routed to any of the individual postal meters instead of the correct one in the cited combination. For this reason the rejection of claim 10 and its dependent claims is not sustained.

Rejections of claims 19-22

The Examiner determined that the rejection of claim 19 is unpatentable over Seestrom, Goff, and Pinstov (Ans. 10-12). The Appellants argue that this rejection of claim 19 is improper (16-17).

We agree with the Appellants. Claim 19 requires in part:

> wherein, for the kth postal franking operation performed using cryptographic processors numbered 1 through N, the selected cryptographic processor j is selected according to $j = ((k-l) \bmod N) + 1$. (Claim 19).

We agree with the Appellants. The Examiner has cited to the abstract of Seestrom as disclosing the claimed function but this portion of Seestrom only relates to the sequential encrypting for a postal item, not a particular cryptographic processor. The Examiners citation to Goff at col. 4:10-18 in the analysis with Pinstov as well fails to provide articulated reasoning with

rational underpinnings for the modification to occur specifically at the cryptographic processor and this rejection of claim 19 and its dependent claims is not sustained.

The rejection of claims 20-22 are rejected under 35 U.S.C. § 103(a) as unpatentable over Seestrom, Goff, Pinstov, and Liechti is not sustained for these same reasons as well. Here, the citation to Liechti at col. 6:44-7:23 and col. 13:12-35 fails to cure the same deficiencies in the analysis cited above.

The Examiner has also determined that the rejection of claims 19-22 is alternatively unpatentable over Liechti and Goff (Ans. 15-16). The Appellants argue that this rejection of claim 19 is improper (15-16).

We agree with Appellants. The Examiner cites to Goff at col. 5:20-67 and col. 6:59-67 as disclosing the claimed function but this portion does not relate to a particular cryptographic processor sequence as claimed and we find no articulated reasoning with rational underpinnings for the combination. For this reason this rejection of claims 19 and is dependent claims 20-22 is not sustained.

CONCLUSIONS OF LAW

We conclude that Appellants have shown that the Examiner erred in rejecting the claims listed in the Rejection section above.

DECISION

The Examiner's rejection of claims 1-5, 7-14, and 16-22 is reversed.

REVERSED

MP