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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOUBERT BERGER, SCOTT A. LEERSSEN, and
CRAIG H. RUBIN

Appeal 2010-011404
Application 10/013,043
Technology Center 2100

Before JOSEPH L. DIXON, THU A. DANG, and
JAMES R. HUGHES, *Administrative Patent Judges*.

DIXON, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from a rejection of claims 1-25. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

The claims are directed to installing an application in a trusted environment. Claim 1, reproduced below, is representative of the claimed subject matter:

> 1. A method for installing an application in a trusted operating system, comprising:
>
> enabling selection of an application from one or more applications;
>
> enabling dragging of a graphical representation of said selected application towards a graphical representation of a compartment of said trusted operating system;
>
> enabling dropping of said graphical representation of said application on said graphical representation of said compartment; and
>
> automatically installing said selected application in said selected compartment in response to said dropping of said graphical representation of said selected application.

REFERENCES

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

McNabb	US 6,289,462 B1	Sept. 11, 2001
Bearden	US 6,550,061 B1	Apr. 15, 2003 (filed Dec. 2, 1999)

Franco	US 6,687,745 B1	Feb. 3, 2004 (filed June 22, 2000)
Andersen	US 6,795,963 B1	Sept. 21, 2004 (filed Nov. 12, 1999)

REJECTIONS

Claims 1-3, 6, 7, 9-19, and 21-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Franco and McNabb.

Claims 4, 5, 20, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Franco, McNabb, and Bearden.

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Franco, McNabb, and Andersen.

ANALYSIS

Claims 1, 3-5, 9-12, 14-17, 19-22, and 25

Appellants contend that the combination of Franco and McNabb fails to disclose all the limitations of representative independent claim 1, specifically, a graphical representation of a compartment of a trusted operating system (App. Br. 12-13). Further, Appellants contend that neither Franco nor McNabb discloses dragging and dropping an application onto such a graphical representation of a compartment and automatically installing the application in the compartment (*id.*). Appellants also contend that there is insufficient motivation to combine Franco and McNabb (App. Br. 10-12).

The Examiner relies on the collective teachings of the references to disclose dragging an application "towards a graphical representation of a compartment of said trusted operating system," dropping the application "on

said graphical representation of said compartment," and "automatically installing said selected application in said selected compartment," as recited in claim 1 (Ans. 3-4, 11-13). Specifically, Franco discloses that droplets, which are "dynamic and 'thin' applications" (Franco, col. 8, ll. 56-57), can be dragged and dropped onto graphical representations of parts of an operating system, for example, the desktop, the start menu, or a directory (Franco, col. 14, ll. 50-61; col. 20, ll. 5-9). After such dragging and dropping, the droplet application is available to perform its function, that is, to connect to and invoke a remote droplet-enabled application (Franco, col. 16, ll. 41-52). McNabb discloses a trusted operating system with partitions, or compartments (McNabb, col. 17, col. 49-57). Additionally, McNabb suggests that a graphical utility can be used for working with the partitions of the trusted operating system:

> This system additionally provides a browser-based administration tool to make system management straightforward. . . . The browser-based tool can graphically display a map of processes that are executed in response to requests to assist the administrator in configuring processes for a particular task. Descriptive information is provided such that the administrator may trace the processes executed for a portion of the processes performed in order to either view the history of the processes executed or to test the application of sensitivity levels to the processes. The system may also assist in the definition of partitions where the processes may be segmented by roles prior to actual partitioning of the system.

(McNabb, col. 21, ll. 34-48).

Appellants do not specifically explain why McNabb's compartments could not be represented graphically when combined with Franco's graphical operating system, as per the Examiner's combination (*see* Ans. 3-

4, 12-13). Rather, Appellants argue that neither reference, individually, discloses a graphical representation of a compartment of a trusted operating system (*see* App. Br. 13). Absent argument addressing the collective teachings of the references, we agree with the Examiner and find that one of ordinary skill in the art would have recognized that McNabb's trusted operating system compartments could be represented graphically when combined with Franco's graphical operating system.

Appellants argue that "installing an application into a trusted compartment is significantly more complex than simply dragging and dropping files onto folders" (Reply Br. 6). However, Appellants have not specifically explained why installation of an application into a compartment of a trusted operating system is so complex that it could not be implemented by Franco's graphical drag and drop installation technique.

Each of McNabb's compartments is defined by the processes, files, and resources that have the same "sensitivity label" (*see* McNabb, col. 17, ll. 52-55). While access to a compartment requires determining whether a process has the requisite sensitivity label (*see* McNabb, col. 14, ll. 49-52), this extra step is merely an extension of the standard operating system mechanism of allowing or denying access to a file system object based on the security attributes of the process (McNabb, col. 8., l. 54-col. 9, l. 10).

Absent specific argument to the contrary, the fact that McNabb's trusted operating system requires an additional security attribute would not preclude using Franco's technique on McNabb's compartment. Thus, we are not persuaded of error in the Examiner's finding that the combination of Franco and McNabb discloses all the limitations of claim 1.

We are also not persuaded that the Examiner's motivation to combine the references is insufficient, as Appellants argue (App. Br. 10-12). McNabb discloses installing the trusted operating system as an upgrade to an existing operating system so as to increase security (McNabb, col. 4, 20-32), or in other words, "to provide the level of assurance" necessary for certain functions (McNabb, col. 17, ll. 49-52). We agree with the Examiner (Ans. 11) and find that it would have been obvious, in view of McNabb's teachings, to compartmentalize the operating system of Franco's computer to provide additional security.

Although Appellants argue that to provide a level of assurances is just a result without a motivation (App. Br. 11), we find that achieving such a result is itself a motivation to apply McNabb's techniques to Franco. Appellants have not specifically explained why one of ordinary skill in the art would not have wanted to provide additional security in Franco's computer by installing applications in compartments.

Appellants also argue that the combination is based on impermissible hindsight (App. Br. 11). However, the Examiner's motivation to combine is found in McNabb, which indicates that the combination was not based on hindsight, but on knowledge available at the time the invention was made. *See In re McLaughlin*, 443 F.2d 1392, 1395 (CCPA 1971).

Appellants further argue that the Examiner does not explain how to make the combination of Franco and McNabb, and that "such a combination would require a substantial reconstruction and redesign of the elements shown in *Franco*" (App. Br. 11-12). However, as mentioned above, McNabb discloses that a compartmentalized trusted operating system can be installed as an upgrade to an existing operating system:

> Rather than requiring administrators to replace the operating system altogether (as with all other prior art trusted operating systems), the trusted operating system of the desired system should have enhancements that are installed as a system upgrade. This maintains 100% compatibility with the underlying operating system API, drastically reducing the costly and time-consuming integration work typically associated with systems of this type.

(McNabb, col. 4, ll. 25-32). Thus, we are not persuaded that the Examiner's motivation to combine the references was in error.

We are therefore not persuaded that the Examiner erred in rejecting claim 1, and claims 3 and 9-11 which depend therefrom and are not separately argued. Although Appellants nominally argue claims 4, 5, 12, 14-17, 19-22, and 25 separately, the arguments presented are similar to those presented for claim 1. Thus, the rejections of claims 4, 5, 12, 14-17, 19-22, and 25 are also sustained for the reasons discussed above.

Claims 2, 6-8, 13, 18, 23, and 24

Although Appellants argue that the combination of Franco and McNabb fails to disclose the limitations of claim 2 (App. Br. 14), Appellants do not provide an explanation as to why the Examiner's specific findings (Ans. 4) are incorrect or insufficient. Absent such explanation to weigh against them, we are not persuaded that these findings are in error. *See Ex Parte Belinne*, 2009 WL 2477843 (BPAI 2009) ("Informative").

We are therefore not persuaded that the Examiner erred in rejecting claim 2, and claims 6-8 which depend therefrom and are not separately argued. Although Appellants nominally argue claims 13, 18, 23, and 24 separately, the arguments presented are similar to those presented for claim

2. Thus, the rejections of claims 13, 18, 23, and 24 are also sustained for the reasons discussed above.

CONCLUSIONS OF LAW

The Examiner did not err in rejecting claims 1-25 under 35 U.S.C. § 103(a).

DECISION

For the above reasons, we affirm the rejections of claims 1-25.

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). *See* 37 C.F.R. § 41.50(f).

AFFIRMED

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