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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* JOSEPH SALOWEY<sup>1</sup>

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Appeal 2012-006343  
Application 11/034,346  
Technology Center 2400

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Before KRISTEN L. DROESCH, DANIEL J. GALLIGAN, and  
NABEEL U. KHAN, *Administrative Patent Judges*.

DROESCH, *Administrative Patent Judge*.

DECISION ON APPEAL  
STATEMENT OF THE CASE

Appellant seeks review under 35 U.S.C. § 134(a) of the Examiner's final rejection of claims 1–13, 18–41, and 51–60.<sup>2</sup> We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

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<sup>1</sup> Appellant indicates the Real Party in Interest is Cisco Systems, Inc. App. Br. 1.

<sup>2</sup> Claims 14–17 and 42–50 have been cancelled.

## BACKGROUND

The disclosed invention is related to systems and methods for policy-based revocation of network security credentials, such as digital certificates and passwords. Spec. ¶ 1, Abstract. The method includes storing one or more credential revocation rules, wherein each of the credential revocation rules specifies one or more first attributes and first values of the first attributes, associated with one or more credentials to be revoked; receiving and storing one or more network credentials, comprising one or more second attributes and second values of the second attributes. *Id.* ¶ 15, Abstract. When second values of one or more second attributes of a particular network credential among the one or more network credentials match first values of one or more first attributes of one of the credential revocation rules, the method includes determining that the particular network credential is invalid, and performing a responsive action. *Id.*

Claim 1 is illustrative:

1. A method, comprising the computer-implemented steps of:  
receiving one or more credential revocation rules associated with one or more credentials to be revoked, wherein each of the credential revocation rules specifies a first set of at least one or more attribute-value pairs and an operator that specifies a relationship between a first attribute and a first value of the first attribute;  
wherein each attribute of the attribute-value pairs is represented by a symbolic attribute name;  
receiving one or more network credentials, wherein each of the network credentials comprises a second set of one or more attribute-value pairs; and  
when a second attribute from the second set of one or more attribute-value pairs of a particular network credential matches the first attribute, and a second value of the second attribute satisfies said relationship,

determining that the particular network credential is invalid,  
and performing a responsive action.

### REJECTIONS

Claims 1–3, 5–9, 18–21, 23, 29–37, 51–53, 55, and 56 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Perlman (US 2002/0099668 A1; published July 25, 2002) and PKI INTEGRATION WITH AAA SERVER (Cisco Systems, Inc., 2003) (“PKI-AAA”).

Claims 4, 21, and 32 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Perlman, PKI-AAA, and Chan (US 7,437,551 B2; published Oct. 14, 2008).

Claims 10, 24, 38, and 57 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Perlman, PKI-AAA, and the admitted prior art (APA).

Claim 11, 25, 28, 39, and 58 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Perlman, PKI-AAA, and Lu (US 2004/0064691 A1; published Apr. 1, 2004).

Claim 13, 27, 41, and 60 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Perlman, PKI-AAA, and Nguyen-Thai (US 5,745,701; published Apr. 28, 1998).

### ANALYSIS

We have reviewed the Examiner’s rejections in light of Appellant’s arguments in the Appeal Brief presented in response to the Final Office Action, and the arguments in the Reply Brief presented in response to the Examiner’s Answer. We highlight and address specific findings and arguments for emphasis below.

Appellant argues Perlman teaches a certificate revocation list (CRL), that does not provide any rules, or any other generalized indication of

whether to revoke a network credential. App. Br. 10; *see* Reply Br. 1. We are not persuaded by Appellant's argument. We agree with, and adopt as our own, the Examiner's finding that Perlman teaches or suggests the disputed limitation, specifically, by disclosing receiving a rule for revoking certificates based on a value associated with Registration Authority (RA) identifier attribute that matches an untrustworthy RA, and a value associated with the Time/Date Certificate Request Message (CRM) attribute being equal to, or later than, a particular time, or between particular time periods(s) when the RA was determined to be untrustworthy. Ans. 5 (citing Perlman Fig. 4, ¶¶ 13–14, 38–45). We further observe that Perlman teaches that when Ra<sub>a</sub>16<sub>a</sub> has become untrustworthy and it is desired to revoke all certificates issued by Ra<sub>a</sub>16<sub>a</sub>, an entry in the CRL identifying an RA identifier for Ra<sub>a</sub>16<sub>a</sub> would be inserted. Perlman ¶¶ 38, 39. Perlman further teaches making entries in the CRL that identifies respective RAs, with indications of the time(s) at which the RAs were or are untrustworthy. *Id.* ¶¶ 40, 41, 43–45.

Appellant further argues that Perlman's CRL is a list and only provides data; not an operator that specifies a relation between a first attribute and a first value of the first attribute. App. Br. 10, 11–12; *see* Reply Br. 1, 3–4. Similarly, Appellant contends none of Perlman's list entries can specify its own operator as recited in the claims. *Id.* at 11–12; *see* Reply Br. 3–4.

Appellant's arguments are not persuasive because the Examiner does not rely on Perlman alone for teaching or suggesting an operator that specifies a relation between an attribute and value of an attribute value pair. Instead, the Examiner relies on Perlman for teaching receiving rules for revoking credentials, as modified by the teachings of PKI-AAA of using an

operator to specify the relationship between an attribute and a value of an attribute value pair. Final Act. 3–4; Ans. 5–6. One cannot show non-obviousness by attacking references individually where the rejections are based on combinations of references. *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986). For similar reasons, we are not persuaded by Appellant’s argument that PKI-AAA does not teach or suggest receiving credential revocation rules and operators, and determining whether credentials should be revoked. App. Br. 10–11, 12; *see* Reply Br. 4. The Examiner does not rely on the teachings of PKI-AAA alone for teaching receiving credential revocation operators and determining whether to revoke a credential. Instead, the Examiner relies on Perlman for teaching receiving rules for revoking credentials, as modified by the teachings of PKI-AAA. Final Act. 3–4; Ans. 5–6.

In regard to the combined teaching of the references, Appellant asserts “there is no evidence to ‘link’ the references or suggest, based on the cited references, applicant’s particular claimed combination and the Examiner has failed to adequately address the issue of motivation to combine the references with actual evidence.” App. Br. 13. Appellant contends the Examiner’s reasoning is merely conclusory. *Id.*

Appellant’s arguments are not persuasive because it is not necessary to find precise teachings in the prior art directed to the specific subject matter claimed where, as here, the inferences and creative steps that a person of ordinary skill in the art would employ are sufficient to meet the claim limitations. *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007). “[I]n many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle. . . . A person of ordinary

skill is also a person of ordinary creativity, not an automaton.” *Id.* at 420–421. We agree with, and adopt as our own, the Examiner’s determination that it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Perlman’s method for specifying a relationship between an attribute and a value of an attribute-value pair(s) for evaluating network credentials explicitly using an operator and symbolic attribute name, as taught by PKI-AAA, to avoid the need to embed configuration data directly into source code and modify source code later when the configuration data is changed. Final Act. 4; Ans. 6. We further agree with, and adopt as our own, the Examiner’s additional reasoning that because “rules can be changed and [] different rules may have different conditions, one of ordinary skill in the programming art could easily recognize that hard-coding a program with rule configuration data would pose a challenge to software update and maintenance.” Ans. 13.

Related to the previous argument, Appellant contends

[i]f a skilled person wanted to combine *Perlman’s* approach with *PKI-AAA* approach, then the person would have been concerned with expanding an attribute list for a Certificate Revocation List (CRL) to add PKI-security mechanisms to the CRL list, not to develop an approach for using credential revocation rules, comprising attributes and operators, to determine whether a particular network credential should be revoked, as claimed.

App. Br. 13–14. We are not persuaded by Appellant’s argument because it is unsupported by objective evidence (e.g., expert testimony). Argument of counsel cannot take the place of evidence lacking in the record. *Meitzner v. Mindick*, 549 F.2d 775, 782 (CCPA 1977).

For all these reasons, we are not persuaded of error in the Examiner’s rejection of independent claims 1, 18, 29, and 51, and dependent claims 2–

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11, 13, 19–25, 27, 28, 30–39, 41, 52–58, and 60, not substantively argued  
(*see* App. Br. 14–15).

In the Event of Further Prosecution

We have decided the Appeal before us. We direct the Examiner’s attention to independent claim 29 which recites: “[a] computer-readable volatile or non-volatile medium.” We further direct the Examiner’s attention to paragraph 56 of Appellant’s Specification which includes the following disclosure:

The term “computer-readable medium” as used herein refers to any medium that participates in providing instructions to processor 504 for execution. Such a medium may take many forms, including but not limited to, non-volatile media, volatile media, and *transmission media*. . . . *Transmission media* can also take the form of *acoustic or light waves*, such as those generated during *radio wave and infrared data communications*.

Spec. ¶ 56 (emphases added).

Should there be further prosecution of this application (including any review for allowance), the Examiner may wish to review claim 29 to determine whether it is directed to statutory subject matter under 35 U.S.C. § 101 in light of the examination instructions on patent eligible subject matter, and *Ex parte Mewherter*, 107 USPQ2d 1857, 1859 (PTAB 2013) (precedential-in-part) (concluding the broadest reasonable interpretation of “machine-readable storage medium” includes signals per se, absent limiting language in the specification). *See* 2014 Interim Guidance on Patent Subject Matter Eligibility, 79 Fed. Reg. 74618 (Dec. 16, 2014), which supplements the “Preliminary Examination Instructions in view of the Supreme Court Decision in *Alice Corporation Pty. Ltd. v. CLS Bank International, et al.*” US Patent and Trademark Office (June 25, 2014),

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[http://www.uspto.gov/sites/default/files/patents/announce/alice\\_pec\\_25jun2014.pdf](http://www.uspto.gov/sites/default/files/patents/announce/alice_pec_25jun2014.pdf), *Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101: Aug. 2012 Update*, US Patent and Trademark Office, 11–14,  
[http://www.uspto.gov/patents/law/exam/101\\_training\\_aug2012.pdf](http://www.uspto.gov/patents/law/exam/101_training_aug2012.pdf).

#### DECISION

We AFFIRM the rejection of claims 1–13, 18–41, and 51–60 under 35 U.S.C. § 103(a) as unpatentable over the applied prior art.

#### TIME PERIOD

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

ACP