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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte FONDA J. DANIELS, RUTHIE D. LYLE, and
MARY ELLEN ZURKO

Appeal 2015-003960
Application 11/085,647
Technology Center 2400

Before SCOTT R. BOALICK, *Deputy Chief Administrative Patent Judge*,
JEREMY J. CURCURI, and DAVID C. McKONE, *Administrative Patent
Judges*.

CURCURI, *Administrative Patent Judge*.

DECISION ON REQUEST FOR REHEARING

Appellants have filed a paper under 37 C.F.R. § 41.52(a)(1) requesting that we reconsider our Decision of September 2, 2016, wherein we affirmed the Examiner's rejection of claims 1–3 and 7–12. We have reconsidered our Decision in light of Appellants' comments in the request, and have found no errors. We, therefore, decline to change the Decision.

Appellants' request is denied.

DISCUSSION

Appellants present the following principal argument:

With respect, the findings of the Board in this instance overlook the basic argument enunciated by Appellants: the logging of data [in the prior art] is not the claimed logging in a log of the remedial measures. Indeed, paragraph [0019] of the originally presented specification make[s] clear the nature of the “remedial measures”:

[0019] . . . the policy processor 170 can undertake remedial measures which can include warning the user before forwarding the message, and quashing the operation, to name only a few. Also, a log of the remedial measure or measures can be maintained for the benefit of the user.

As will be apparent, the remedial measures set forth in Appellants’ specification are measures taken with respect to the blocking of a message whereas as expressed by the Board, there is no logging of any remedial measures — just the data of the message that has been blocked.

Reh’g Req. 5.

The Board did not misapprehend or overlook Appellants’ arguments; rather, the Board agreed with the Examiner’s finding that Claudatos teaches the recited (claim 1) “logging in a log the remedial measures undertaken when the remedial measure is the blocking of the forwarding of the message.” Dec. 4 (citing Claudatos col. 10, ll. 46–48, 50–52).

Claudatos (col. 10, ll. 46–48) discloses: “If it is determined that the message is to be blocked, the message is blocked (**1210**), i.e., it is not forwarded on to the intended recipient.” Claudatos (col. 10, ll. 50–52) discloses: “[T]he blocking process includes logging data associated with the blocked data message.”

Appellants' arguments are not convincing of any error in our original Decision:

Claudatos's blocking a message and logging associated data (*see* Claudatos col. 10, ll. 46–48, 50–52) discloses the specifically recited (claim 1) “logging in a log the remedial measures undertaken when the remedial measure is the blocking of the forwarding of the message.” Put another way, logging *data associated with the blocked message* teaches logging *remedial measures undertaken when the remedial measure is blocking*, as recited. *See* Ans. 4 (“Given that the logging of message data in Claudatos is part of the blocking process and occurs based on the message being blocked, it is apparent that this logging is synonymous to logging of the occurrence of the blocking.”).

Dec. 5 (citing Claudatos col. 10, ll. 46–48, 50–52). We maintain that this position in the original Decision is correct and is supported by the record.

CONCLUSION

Based on the record before us now and in the original appeal, we have granted Appellants' request to the extent that we have reconsidered our Decision, but we deny Appellants' request to make any changes in our Decision. It is our view that Appellants have not identified any points the Board has misapprehended or overlooked.

The request for rehearing is denied.

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).

REHEARING DENIED