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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/396,356	02/14/2012	John Marshall	W002	8983
107442	7590	12/14/2016	EXAMINER	
AirWatch LLC Darryl Smith 3401 Hillview Ave Palo Alto, CA 94304			SALAD, ABDULLAHI ELMI	
			ART UNIT	PAPER NUMBER
			2456	
			NOTIFICATION DATE	DELIVERY MODE
			12/14/2016	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JOHN MARSHALL, ADAM RYKOWSKI,
ERICH STUNTEBECK, and
JYOTHIPRAKASH HALEBEED

Appeal 2015-006664
Application 13/396,356
Technology Center 2400

Before HUNG H. BUI, JOSEPH P. LENTIVECH, and NABEEL U. KHAN,
Administrative Patent Judges.

KHAN, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellants¹ appeal under 35 U.S.C. § 134(a) from the Final Rejection of claims 1, 3–21, and 23–25.² We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

¹ Appellants identify AirWatch LLC as the real party in interest. App. Br. 2.

² Claims 2, 22, and 26 have been cancelled.

THE INVENTION

Appellants' invention relates to controlling access to and distribution of enterprise resources, such as documents, databases, and executable applications, in a networked environment. Spec. ¶ 1.

Exemplary independent claim 1 is reproduced below.

1. A computing device comprising at least one processor and at least one memory storing program code, the memory and program code being configured to, with the at least one processor, cause the computing device to at least:

receive, from a client device, a request to access a distribution service associated with a plurality of resources;

determine whether the client device is authorized to access the distribution service;

determine, in response to the determination that the client device is authorized to access the distribution service, one or more resources of the plurality of the resources that are approved for the provision to the client device by at least:

identifying one or more resource grouping identifiers associated with the client device or a user of the client device;

identifying, based at least in part on the identified one or more resource grouping identifiers, one or more particular resources associated with the one or more resource grouping identifiers, and determining, for each of the particular resources, whether the client device complies with one or more distribution rules respectively associated with the particular resources; and

cause the one or more resources approved for the provision to the client device to be provided to the client device.

REFERENCE and REJECTIONS

1. Claims 1, 3–21, and 23–25 are provisionally rejected on grounds of nonstatutory double patenting over claims 1–60 of co-pending Application No. 13/623,627.

2. Claims 1, 3–21, and 23–25 are provisionally rejected on grounds of nonstatutory double patenting over claims 1–20 of co-pending Application No. 13/830,708.

3. Claims 1, 3–21, and 23–25 are provisionally rejected on grounds of nonstatutory double patenting over claims 1–20 of co-pending Application No. 13/316,073.

4. Claims 1, 3–21, and 23–25 stand rejected under 35 U.S.C. § 102(b) as anticipated by Yamaoka (US 2007/0192484 A1, publ. Aug. 16, 2007).

ANALYSIS

A. *Claim 1*

Claim 1 recites, *inter alia*:

determin[ing] . . . one or more resources . . . that are approved for the provision to the client device by at least:

identifying one or more resource grouping identifiers associated with the client device. . . and determining, for each of the particular resources, whether the client device complies with one or more distribution rules respectively associated with the particular resources[.]

App. Br. 20 (Claims App.). Appellants argue “the [F]inal Office Action . . . alleges that a ‘security level’ in *Yamaoka* is a ‘resource grouping identifier,’ as recited in the claim.” Reply Br. 3; *see also* App. Br. 8.

According to Appellants, “[t]he claim recites that the particular resources

that are approved for provision to the client device are determined ‘*by . . . identifying one or more resource grouping identifiers*’” but that “*Yamaoka* does not determine which resources are approved for provision to a client device by identifying security levels.” Reply Br. 3–4. Instead, Appellants argue, “*Yamaoka* describes that its security levels are used merely to ‘select[] an authentication scheme’ when a user requests content for which that user has access.” Reply Br. 4 (citing *Yamaoka* ¶ 74); *see also* App. Br. 8.

We are unpersuaded by Appellants’ arguments. *Yamaoka* discloses that certain resource content types are associated with certain security levels. *See Yamaoka* Fig. 4, ¶ 66. These security levels are used to select an authentication scheme, such as password input, or fingerprint authentication, to acquire additional information from the user (if required) before allowing the user access to the resource. *See Yamaoka* ¶¶ 74–75. We disagree with Appellants that the Examiner relies on *Yamaoka*’s security levels as disclosing the claimed “resource grouping identifiers.” Instead, the Examiner finds “as illustrated fig. 4 below the plurality of resource (2421) are associated with one or more distributed rules 2423.” Ans. 3; *see also* Final Act. 7 (citing element 2423 as the “distribution rules”). In other words, the Examiner relies upon *Yamaoka*’s security levels and associated authentication schemes as disclosing the claimed “distribution rules,” not the claimed “resource grouping identifiers.” Further, contrary to Appellants’ argument, the fact that the security level is used to select an authentication scheme, which is then used to authenticate a user before the user is allowed access to a resource, supports the Examiner’s finding that the security levels

are used to determine that resources are approved for provision to the client device.

Accordingly, we sustain the Examiner's rejection of claim 1 under 35 U.S.C. § 102(b) and of claims 3–9 which were argued together as a group. *See App. Br. 7.* We also sustain the Examiner's rejection of claims 10–16, 19–21, and 23–25, for which Appellants rely on the same arguments as those presented for claim 1. *See App. Br. 10–13, 15–17.*

B. Claim 17

The Examiner finds paragraph 44 of Yamaoka discloses “responsive to detecting an attempt to access the received resources by an unauthorized application, blocking the access by the unauthorized application.” Ans. 4–5 (emphasis omitted).

Appellants argue

Yamaoka states, “when it is impossible to authenticate the terminal 10A as eligible . . . the communication processing apparatus 20 requests the terminal 10A to further transmit detailed information (S110)” (*emphasis added*). Thus, if the terminal in *Yamaoka* is not authorized, the communication processing apparatus merely “requests the terminal . . . to further transmit detailed information.” . . . Requesting a terminal to transmit further detailed information is not “blocking . . . access,” as required by the claim.

Reply Br. 6–7.

We agree with Appellants. Paragraph 44 of Yamaoka explains that if a terminal is not authorized based on the information currently provided in the access request, additional detailed information is requested from the terminal. Paragraph 44, however, does not disclose that access is blocked if the terminal is not authorized. The Examiner does not make any findings as to whether the disputed limitation would have been inherently disclosed by

Yamaoka or would have been obvious to one of ordinary skill in the art. Thus, constrained by the record before us, we do not sustain the Examiner's rejection of claim 17 under 35 U.S.C. § 102(b).

C. Claim 18

The Examiner finds Yamaoka at paragraphs 146 and 147 discloses that when a client device moves, certain information, such as settings, configuration, IP address, location information is modified and that this information is stored in memory on the client device and then is transmitted and synchronized to the information database. Ans. 5–6. Thus, the Examiner finds Yamaoka discloses “determining whether the received resources were modified on the client device; . . . storing the modified resources in a memory accessible to the client device; receiving a request to transmit the modified resources . . . and causing the modified resources to be transmitted to the distribution service,” as recited in claim 18. *Id.*

Appellants argue the cited portion of Yamaoka discloses that information is transmitted showing whether the terminal has already been authenticated, but does not disclose the limitations of claim 18. Reply Br. 8. We agree. The Examiner identifies information such as settings, IP addresses and location information as the claimed “resources” but this is inconsistent with the Examiner's findings regarding claim 10 (from which claim 18 depends) in which the Examiner relies upon content provided by a service distributor as the claimed “resources.” *See* Final Act. 7; *see also* Ans. 3 (citing Yamaoka Fig. 4 (2421) as the plurality of resources). Yamaoka's settings, IP addresses, and location information are not provided by content service distributor. Thus, we agree that the Examiner has not

established Yamaoka discloses the limitations of claim 18 and, therefore, do not sustain the Examiner's rejection of claim 18 under 35 U.S.C. § 102(b).

D. Double Patenting Rejections

Claims 1, 3–21, and 23–25 are provisionally rejected on grounds of nonstatutory double patenting over the claims of Application Nos. 13/623,627, 13/830,708, and 13/316,073. Final Act. 4–6. The Examiner has not withdrawn these rejections. *See* Ans. 2. Appellants state that these rejections have been held in abeyance but provide no support for such an assertion and do not otherwise present arguments addressing these rejections. We, therefore, affirm the Examiner's double patenting rejections.

DECISION

The Examiner's rejection of claims 1, 3–16, 19–21, and 23–25 under 35 U.S.C. § 102(b) is affirmed.

The Examiner's rejection of claims 17 and 18 under 35 U.S.C. § 102(b) is reversed.

The Examiner's provisional rejections of claims 1, 3–21, and 23–25 on grounds of nonstatutory double patenting are affirmed.

Because we have affirmed at least one ground of rejection with respect to each claim on appeal, the Examiner's decision is affirmed. *See* 37 C.F.R. § 41.50(a)(1).

No time period for taking any subsequent action in connection with this appeal may be extended. *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED