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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte YAN FU, NADARAJAH ASOKAN, and VILLE AARNI

Appeal 2015-006685
Application 12/891,476
Technology Center 2400

Before MICHAEL J. STRAUSS, KARA L. SZPONDOWSKI, and
DAVID J. CUTITTA II, Administrative Patent Judges.

CUTITTA, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's decision rejecting claims 1–20.¹ We have jurisdiction over this appeal under 35 U.S.C. § 6(b).

We REVERSE.²

¹ Claims 21–46 are cancelled. Claims 1, 6, 16, and 18 are independent.

² Throughout this Opinion, we refer to: (1) Appellants' Specification filed Sept. 27, 2010 (Spec.); (2) the Final Office Action (Final Act.) mailed Oct. 29, 2014; (3) the Appeal Brief (Appeal Br.) filed Mar. 10, 2015; (4) the Examiner's Answer (Ans.) mailed May 19, 2015; and (5) the Reply Brief (Reply Br.) filed July 1, 2015.

BACKGROUND

According to Appellants, the application relates to techniques for accelerated authentication and service response when attempting to access network services with a client application. Spec. 1. Claims 1 and 6 are illustrative and are reproduced below with disputed limitations emphasized:

1. A method comprising:

receiving, by a hardware processor, first data that indicates a first portion of a user credential for a first user but not a second portion of the user credential for the first user, wherein the first data is received in response to a sign-in prompt to a user to provide the user credential to authenticate the first user;

determining, by the hardware processor, whether the first portion of the user credential is valid; and

if the first portion of the user credential is valid, then determining, by the hardware processor, to send second data that indicates a valid value for the second portion of the user credential for the first user.

6. A method comprising:

receiving, by a hardware processor, first data that indicates a first portion of a user credential for a first user but not a second portion of the user credential for the first user, wherein the first data is received in response to a sign-in prompt to a user to provide the user credential to authenticate the first user; and

before receiving second data that indicates the second portion of the user credential for the first user, determining, by the hardware processor, to send a first message that indicates the first portion of the user credential to a remote process that initiates authentication of the first user based on the first portion of the user credential.

REFERENCES

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

Bracewell et al. ("Bracewell")	US 2004/0098609 A1	May 20, 2004
Faber et al. ("Faber")	US 2007/0160076 A1	July 12, 2007
Bemmel	US 2009/0006861 A1	Jan. 1, 2009

REJECTION

Claims 1–20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bemmel, Bracewell, and Faber. Final Act. 8.

Our review in this appeal is limited only to the above rejection and issues raised by Appellants. We have not considered other possible issues that have not been raised by Appellants and which are, therefore, not before us. *See* 37 C.F.R. § 41.37(c)(1)(iv) (2014).

ISSUES

1. Did the Examiner err in finding that the combination of Bemmel, Bracewell, and Faber teaches or suggests "receiving, by a hardware processor, first data that indicates a first portion of a user credential for a first user but not a second portion of the user credential for the first user, wherein the first data is received in response to a sign-in prompt to a user to provide the user credential to authenticate the first user," as recited in claim 1?

2. Did the Examiner err in finding that the combination of Bemmel, Bracewell, and Faber teaches or suggests "before receiving second

data that indicates the second portion of the user credential for the first user, determining, by the hardware processor, to send a first message that indicates the first portion of the user credential to a remote process that initiates authentication of the first user based on the first portion of the user credential,” as recited in claim 6?

DISCUSSION

Claim 1

In rejecting claim 1, the Examiner relies upon Bemmell for teaching or suggesting the disputed limitations. Final Act. 8–10. Bemmell relates to preventing phishing attacks by allowing a user to create a personal pass-phrase before entering user login information. Bemmell ¶ 14. More specifically, upon requesting a web page, the user’s device provides an encrypted cookie, including the user-created pass-phrase, to the web page’s server. *Id.* The web page’s server is authenticated if the server is able to decrypt the cookie and present the pass-phrase to the user. Bemmell ¶ 14. The user is then safe to enter login information on the authenticated website. Bemmell ¶ 14. The Examiner interprets Bemmell’s encrypted cookie with a user pass-phrase as suggesting the claimed first portion of the user credential and Bemmell’s user login information as suggesting the claimed second portion of the user credential. See Final Act. 9; Appeal Br. 8.

Appellants contend the Examiner errs in the rejection because Bemmell’s encrypted cookie with pass-phrase is transmitted for authentication of a *visited website* rather than for *user* authentication and

therefore does not suggest “first data that indicates a first portion of a user credential for a first user,” as recited in claim 1. Appeal Br. 8.

Appellants further contend that Bemmell does not suggest “wherein the first data is received . . . to provide the user credential to authenticate the first user,” as recited in claim 1, because Bemmell’s encrypted cookie with pass-phrase instead enables the user to *authenticate the visited website*. Reply Br. 2 (“the pass-phrase enables the user to distinguish real login web pages from spoofed login web pages since such spoofed web pages would not be able to decrypt the encrypted pass-phrase cookie and present the pass-phrase to the user,” emphasis omitted (citing Bemmell ¶ 15)).

The Examiner, while reasserting that “Bemmell discloses the steps of authentication for first portion [*sic*] of the full user credential (pass-phrase) is valid,” fails to articulate how Bemmell’s encrypted cookie with pass-phrase can be relied upon to suggest a “user credential to authenticate the first user,” as claimed. Ans. 7.

Accordingly, because we are unable to ascertain the basis in Bemmell for the disputed findings discussed above, we are constrained to reverse the Examiner’s 35 U.S.C. § 103(a) rejection of claim 1.

Because we agree with at least one of the dispositive arguments advanced by Appellants for claim 1, we need not reach the merits of Appellants’ other contentions.

We also are constrained to reverse the rejection of independent claim 16, which recites commensurate limitations, and of dependent claims 2–5 and 17, which stand with their respective independent claims.

Claim 6

In rejecting claim 6, the Examiner relies upon the rejection rationale recited for claim 1, despite differences between claims 1 and 6. Final Act. 12 (“Claims 6, 16 and 18 recite similar limitations to claim 1, *mutatis mutandis*.”) In response to Appellants’ arguments that claims 1 and 6 are directed to different embodiments (Appeal Br. 6), the Examiner indicates the disputed limitations are suggested by Bommel’s transmission of login credentials to a web server for validation. Ans. 5 (citing Bommel ¶ 39). The cited paragraph of Bommel, however, is silent with respect to a first portion of the user credential and thus fails to suggest “send[ing] a first message that indicates the first portion of the user credential to a remote process that initiates authentication of the first user based on the first portion of the user credential” *before* receiving second data that initiates the second portion of the user credential for the first user.

Accordingly, we are constrained to reverse the Examiner’s 35 U.S.C. § 103(a) rejection of claim 6.

Because we agree with at least one of the dispositive arguments advanced by Appellants for claim 6, we need not reach the merits of Appellants’ other contentions.

We also are constrained to reverse the rejection of independent claim 18, which recites commensurate limitations, and of dependent claims 7–15, 19, and 20, which stand with their respective independent claims.

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Application 12/891,476

DECISION

We reverse the Examiner's decision rejecting claims 1–20 under
35 U.S.C. § 103(a).

REVERSED