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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ANIL GUPTA and SUNG-JU LEE

Appeal 2015-007591
Application 13/453,688¹
Technology Center 2400

Before MICHAEL J. STRAUSS, MICHAEL M. BARRY, and
MICHAEL J. ENGLE, *Administrative Patent Judges*.

ENGLE, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from a final rejection of claims 1–5 and 7–19, which are all of the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

Technology

The application relates to “wireless client authentication and assignment.” Abstract.

¹ According to Appellants, the real party in interest is Hewlett-Packard Development Co., LP, which is wholly-owned by Hewlett-Packard Co. and has a general or managing partner of HPQ Holdings, LLC. App. Br. 3.

Representative Claim

Claim 1 is representative and reproduced below with the limitations at issue emphasized:

1. A network device, comprising:
 - a processing resource;
 - a memory resource coupled to the processing resource, wherein the memory resource stores instructions executable by the processing resource to:
 - act as a default gateway, present a web portal for logon, and provide services useful to the wireless client in response to a request from a wireless client prior to authentication of the wireless client;
 - send a dissociation command comprising a disassociation frame or a deauthentication frame for the wireless client in response to an initial authentication of the wireless client; and
 - assign traffic to a local virtual local area network (VLAN) defined on an access point (AP) associated with the wireless client and not act as the default gateway or provide the services useful to the wireless client in response to a subsequent authentication of the wireless client such that *traffic from the wireless client does not flow through the network device after the wireless client is assigned to the VLAN*, wherein the VLAN provides access to a desired network offering the services useful to the wireless client, and wherein a different network device acts as the default gateway for the wireless client on the VLAN.

Rejections

Claims 1–5, 7–13, and 16–19 stand rejected under 35 U.S.C. § 103(a) as obvious over the combination of Janakiraman et al. (US 2012/0291098 A1; Nov. 15, 2012), Francfort et al. (US 2008/0126455 A1; May 29, 2008), Murphy et al (US 2010/0329177 A1; Dec. 30, 2010), and Iyer et al. (US 2013/0201979 A1; Aug. 8, 2013). Final Act. 3.

Claims 14 and 15 stand rejected under 35 U.S.C. § 103(a) as obvious over the combination of Janakiraman, Francfort, Murphy, Iyer, and Singla et al. (US 7,546,458 B1; June 9, 2009). Final Act. 14.

ISSUES

1. Did the Examiner err in finding Murphy teaches or suggests “traffic from the wireless client does not flow through the network device after the wireless client is assigned to the VLAN,” as recited in claim 1?

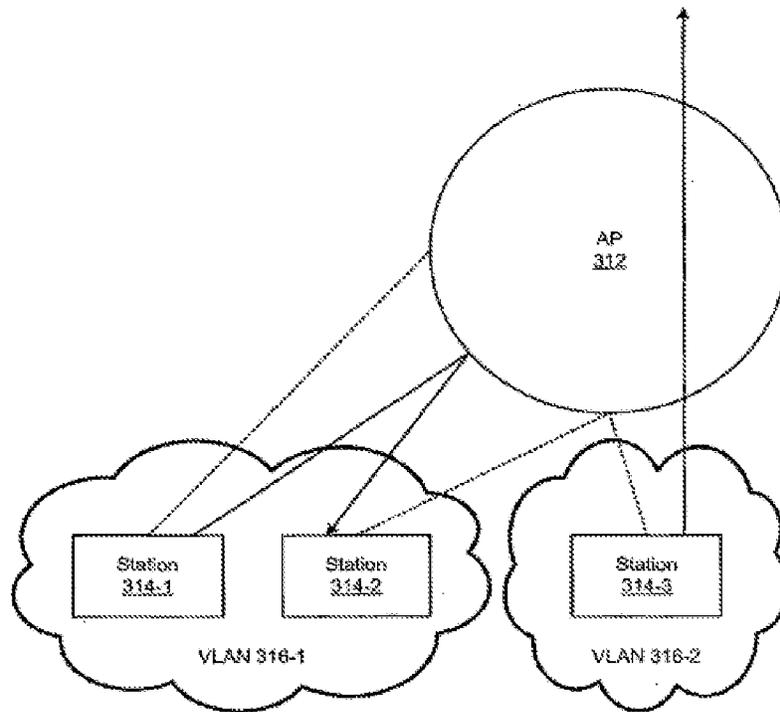
2. Did the Examiner err in finding a person of ordinary skill in the art at the time of the invention would have found reason to combine Murphy with the other prior art references relied upon by the Examiner?

ANALYSIS

Claim 1 recites “traffic from the wireless client does not flow through the network device after the wireless client is assigned to the VLAN.” The Examiner relies upon Murphy for this limitation. Ans. 2–3.

According to Murphy, “[a]n access point (AP) is a device used by wireless clients to connect to a network.” Murphy ¶ 1. A wireless switch is “used to manage APs and provide network-connectivity to wireless clients.” *Id.* ¶ 1. In Murphy, Figure 1 depicts a network 102 connected to a wireless switch 104, which is connected to APs 106-1 to 106-N, each of which is connected to other wireless devices collectively labeled UAP mesh 108. *Id.* ¶¶ 15, 22, 24. “The APs 106 may be treated as border devices between the wireless switch 104 . . . and the UAP mesh 108.” *Id.* ¶ 22. To offload some of the work from the switch, the APs may locally provide services such as switching packets or proxy address resolution protocol. *Id.* ¶¶ 22–23.

Figure 3B of Murphy, reproduced below, depicts an example of this.



In Figure 3B, the system “includes an AP 312 and stations 314-1 to 314-3 The stations are divided into VLANs 316-1 and 316-2 [T]he AP 312 switches traffic from VLAN 316-1 locally, if possible, and passes traffic from VLAN 316-2 upstream for upstream switching,” such as at the wireless switch. Murphy ¶ 37.

Appellants contend Murphy fails to teach or disclose the disputed limitation because it teaches that traffic from the *second* VLAN (labeled 316-2) still flows to the switch. App. Br. 9; Reply Br. 3. However, we agree with the Examiner that “Murphy, paragraph 37, teaches switching locally all traffic of a *specific* VLAN” and that none of the traffic on that *specific* VLAN flows upstream to the switch. Ans. 3 (emphasis added). Therefore, Appellants’ arguments are not commensurate with the claim scope as currently written. The claim recites “traffic from *the wireless client* does not flow through the network device,” where “the wireless client”

refers to the earlier recitation in claim 1 that the network device (i.e., the switch in Murphy) have instructions to “provide services useful to *the wireless client* in response to a request from *a wireless client*.”² Nowhere does claim 1 require that *all* wireless clients or *all* VLANs on an AP meet the claimed requirements, instead requiring only that “a” wireless client do so. *See also* Spec. 4:18–21 (“The AP 104 can provide more than one VLAN. . . . Each VLAN provided by the AP 104 can have a distinct set of clients associated therewith.”). Thus, we agree with the Examiner that Figure 3B of Murphy teaches an example in which all traffic from VLAN 316-1 is switched locally rather than passed upstream to the switch, and that this teaches or suggests the claimed limitation. Murphy ¶ 37; Ans. 3.

Appellants further contend “there is no motivation to combine Murphy with the other cited art” because if Murphy switches traffic locally, then “the traffic in Murphy would never leave the AP” and hence could not meet the claim limitation of “the VLAN provides access to a desired network.” App. Br. 9–10; Reply Br. 3–4. However, the Examiner does not rely on Murphy for teaching that limitation and instead relies on Janakiraman. Final Act. 4 (citing Janakiraman ¶ 33). Appellants have not sufficiently addressed Janakiraman or the Examiner’s proposed combination. As the Federal Circuit has held, “[n]on-obviousness cannot be established by attacking references individually where the rejection is based upon the teachings of a combination of references.” *In re Merck & Co.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986).

² We note that “the wireless client” is introduced before “a wireless client.” In the event of further prosecution, Appellants may wish to reverse the order of “the” and “a” in order to avoid any lack of antecedent basis.

Moreover, Appellants have not sufficiently addressed the multiple reasons for making the asserted combination of references that have been provided by the Examiner, including that Murphy's switching at the AP "would help conserve resources by reducing the amount of data that passes through wireless nodes to a switch"; "may enable faster transmission times for certain users, while maintaining centralized control of other users"; and "would take some processing burden off the upstream switch because it would be required to do less of the work." Ans. 4 (quotation omitted). Given the record before us, we agree with the Examiner that "[t]he addition of Murphy to these teachings does not negate how a specific VLAN may be utilized as taught by Janakiraman, but only adds the ability to switch particular VLANs at an AP, thus removing some burden from Janakiraman's network switch." Ans. 5.

Accordingly, we sustain the Examiner's rejection of claim 1, and claims 2–5 and 7–19, which Appellants argue are patentable for similar reasons. *See* App. Br. 8–10; 37 C.F.R. § 41.37(c)(1)(iv).

DECISION

For the reasons above, we affirm the Examiner's decision rejecting claims 1–5 and 7–19.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 41.50(f).

AFFIRMED