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BROOKS KUSHMAN P.C. /Oracle America/ SUN / STK 1000 TOWN CENTER, TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075-1238			KASSIM, KHALED M	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte STEPHEN ALAN UHLER

Appeal 2015-007836
Application 12/042,586
Technology Center 2400

Before JOHN A. EVANS, JOHN P. PINKERTON, and
JAMES W. DEJMEK, *Administrative Patent Judges*.

EVANS, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant¹ seeks our review under 35 U.S.C. § 134(a) of the Examiner's Final Rejection of Claims 1, 2, 4–13 and 15–17, which are all the claims pending in the application. App. Br. 1. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.²

¹ The Appeal Brief identifies Oracle America, Inc., formerly known as Sun Microsystems, Inc., as the real party in interest. App. Br. 2.

² Rather than reiterate the arguments of Appellant and the Examiner, we refer to the Appeal Brief (filed January 12, 2015, "App. Br."), the Reply

STATEMENT OF THE CASE

The claims relate to a method for locating an internet phone. *See* Abstract.

The Invention

Claims 1 and 12 are independent. An understanding of the invention can be derived from a reading of exemplary Claim 1, which is reproduced below with some formatting added:

1. A system for determining a physical location associated with an Internet phone having a network identifier and a phone identifier, the system comprising:

a first module including a port having a port identifier and configured to receive the phone identifier and network identifier via the port;

a second module configured to receive the phone identifier; and

a third module configured to store a mapping of the phone identifier with the network identifier, a mapping of the port identifier with the network identifier, and a mapping of the port identifier with the physical location associated with the Internet phone to permit the determination of the physical location associated with the Internet phone based on the phone identifier, wherein the first module is further configured to, in response to receiving via the port the phone identifier and network identifier without the port identifier, detect the port identifier associated with the port and communicate the network identifier and port identifier to the third module to update the mappings.

Brief (filed August 24, 2015, "Reply Br."), the Examiner's Answer (mailed June 23, 2015, "Ans."), the Final Office Action (mailed August 11, 2014, "Final Act."), and the Specification (filed March 5, 2008, "Spec.") for their respective details.

References and Rejections

The Examiner relies upon the prior art as follows:

Ghahremani, et al.,	US 2005/0180429 A1	Aug. 18, 2005
Moon, et al.,	US 2006/0120517 A1	June 8, 2006

Claims 1, 2, 4–13, and 15–17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Moon and Ghahremani. Final Act. 3–10.

ANALYSIS

We have reviewed the rejection of Claims 1, 2, 4–13, and 15–17 in light of Appellant’s arguments that the Examiner erred. We agree with Appellant’s conclusions. We consider Appellant’s arguments *seriatim*, as they are presented in the Appeal Brief, pages 3–5.

CLAIMS 1, 2, 4–13, AND 15–17: OBVIOUSNESS OVER MOON AND GHAHREMANI

*Receiving via the port the phone identifier and network identifier
without the port identifier.*

The Examiner finds Moon substantially teaches each claimed limitation, including delivering the MAC address and port number information via an Ethernet switch upon occurrence of an emergency call. Final Act. 5. However, the Examiner finds Moon fails to teach the Ethernet switch receives the claimed “phone identifier” via the port, wherein “the first module is further configured to, in response to receiving via the port the phone identifier . . . without the port identifier . . . detect the port identifier associated with the port,” as claimed. *Id.*

The Examiner finds Ghahremani teaches an incoming call is processed at a multi-service network switch comprising Ethernet switch

modules with associated Ethernet ports. *Id.* Ghahremani teaches the Ethernet switch detects an incoming call at a port and the characteristics of the call are utilized for selecting a router for call processing. *Id.* When a connection is made, the switch creates a port interface (PIF) object, including information such as a port number. *Id.* Therefore, the Examiner finds it would have been obvious to combine the teachings of Moon and Ghahremani so as to detect the port identifier associated with a port when receiving a phone number at the given port. *Id.*

Appellant contends Moon's Ethernet switch has no need to detect the port identifier, because the port identifier is already being provided to the switch by the communications device. App. Br. 4.

The Examiner does not dispute Appellant's characterization of Moon's teachings. Rather, the Examiner finds Ghahremani teaches an incoming call is processed by a multi-service network switch including associated Ethernet ports. Ans. 3. The Examiner finds when Ghahremani's switch detects an incoming call, the switch creates a port interface object, which includes a port number.

The Examiner's combination modifies Moon (wherein an incoming call provides a port identifier to the switch) with Ghahremani (wherein the switch creates the port identifier). *See* Ans. 3–4. However, where the Examiner's secondary reference adds features already present in a primary reference, there is no motivation to combine. *See Ex parte Tessier*, Appeal 2012-006616 (PTAB October 2, 2014). Without such motivation, we may not sustain a rejection under 35 U.S.C. §103. *Id.*

Appeal 2015-007836
Application 12/042,586

DECISION

The rejections of Claims 1, 2, 4–13 and 15–17 under 35 U.S.C.
§ 103(a) are REVERSED.

REVERSED