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COATS & BENNETT, PLLC 1400 Crescent Green, Suite 300 Cary, NC 27518			NAOREEN, NAZIA	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JOHAN KRISTIANSSON and KARL-JOHAN LUNDKVIST

Appeal 2016-000392
Application 13/498,480
Technology Center 2400

Before ROBERT E. NAPPI, JOHNNY A. KUMAR, and
ALEX S. YAP, *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) of the final rejection of claims 22 through 43. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

INVENTION

This invention is directed to an application execution server and a method for managing a background process associated with a rich internet application, which is accessible via a web browser of an internet enabled user device. *See* Abstract. Claim 22 is representative of the invention and reproduced below.

22. An application execution server configured to manage a background process associated with a rich Internet application that is accessible via a web browser of an Internet-enabled user device, the application execution server comprising:

a processor and a memory, the memory containing instructions executable by the processor whereby the application execution server is configured to:

create the background process in response to receiving a request for such a process from the rich Internet application;

recognize a triggered event associated with said rich Internet application; and

invoke said rich Internet application irrespective of whether or not at least one of the web browser and the rich Internet application is running.

REJECTION AT ISSUE

The Examiner has rejected claims 22 through 43 under 35 U.S.C. § 103(a) as unpatentable over Karmakar (US 8,045,236 B2; issued Oct. 25, 2011) and Arner (US 8,341,595 B2; issued Dec. 25, 2012). Final Action 2–12.¹

ANALYSIS

We have reviewed Appellants' arguments in the Appeal Brief and the Reply Brief, the Examiner's rejections, and the Examiner's response to Appellants' arguments. Appellants' arguments have not persuaded us of error in the Examiner's rejection of claims 22 through 43.

¹ Throughout this Decision, we refer to the Appeal Brief dated March 20, 2015, the Reply Brief dated October 7, 2015, Final Action mailed September 11, 2014, and the Examiner's Answer mailed Sept. 10, 2015.

Appellants' argue Karmakar teaches the background processor exists in advance of communication from the mobile station and, thus, Karmakar does not teach creating the background process in response to receiving a request for such a process from the rich Internet application. App. Br. 8–9, Reply Br. 2. In response to Appellants' argument, the Examiner provided a detailed explanation finding that the combination of Karmakar and Arner teaches this limitation. Specifically, the Examiner finds that Karmakar teaches background processing of dynamic contents from a web server, and that this background process is performed in response to an instruction and as such teaches an application server, which creates the background process. Answer 2. We additionally, note that column 2, lines 66–67, column 3, lines 17–23 of Karmakar further supports the Examiner's finding by teaching the background processing is in response to an instruction and that the application server can dictate the background processing rules. Further, the Examiner finds Arner teaches an application server that hosts web services, which provide rich internet applications. Answer 3. We have reviewed the Examiner's findings and the art relied upon by the Examiner and concur with the Examiner as we consider there to be sufficient evidence to show that the background process is created by the background server in response to a request from a rich internet application.

Appellants further argue that Arner does not teach a server process that invokes a rich internet application and as such does not teach the claimed invoking of a rich internet application. App. Br. 9–11. The Examiner construes the invoke limitation as requiring the application server to request an action from a rich internet application. Answer 3. Based upon this interpretation, the Examiner provides a rationale explaining how Arner

teaches the disputed limitation. We have reviewed the teachings of Arner and concur with the Examiner's findings. Appellants' statement that "Arner does not teach that application servers have *even the slightest knowledge of any RIA, much less* that its application servers invoke any RIA" is not persuasive. Reply Br. 2. The claim does not recite a limitation directed to "having knowledge" of the RIA and Appellants' arguments have not addressed the Examiner's interpretation of the term "invoke." Further, as the Examiner identifies, Arner teaches the application servers host the web services that provide RIA functionality, thus they "have knowledge" of the RIA. Accordingly, Appellants' arguments directed to claim 22 have not persuaded us of error in the Examiner's rejection and we sustain the rejection of claim 22.

Appellants' arguments directed to independent claims 31, 39, 41, and the dependent claims, rely upon the arguments presented with respect to claim 22. Accordingly, we sustain the Examiner's rejection of claims 23 through 43 for the same reasons as discussed with respect to claim 22.

DECISION

The decision of the Examiner to reject claims 22 through 43 is affirmed.

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).

AFFIRMED