



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/656,368	01/27/2010	Lior Yaffe	JAR-4041-74	5081
23117	7590	12/13/2016	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			HAILE, AWET A	
			ART UNIT	PAPER NUMBER
			2474	
			NOTIFICATION DATE	DELIVERY MODE
			12/13/2016	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOMAIL@nixonvan.com
pair_nixon@firsttofile.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte LIOR YAFFE

Appeal 2016-002075
Application 12/656,368
Technology Center 2400

Before ROBERT E. NAPPI, JOYCE CRAIG, 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 1 through 23. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

INVENTION

This invention is directed to component which manipulates packets communicated between a terminal emulator and a mainframe computer. *See* Abstract. Claim 1 is representative of the invention and reproduced below.

1. A system having at least one processor and a mainframe injection component (MIC) for manipulating at least

one data packet communicated between at least one emulator and at least one mainframe, wherein the MIC comprises:

a. a packet processor, configured to receive the at least one data packet, to manipulate, via the at least one processor, the at least one received data packet to produce at least one modified data packet and to inject the at least one modified data packet into the communication between the at least one emulator and the at least one mainframe;

b. wherein the packet processor is further configured to retrieve at least one processing instruction from a repository according to at least one pre-defined processing rule and to apply the at least one processing instruction on the at least one received data packet to produce the at least one modified data packet, the at least one processing instruction modifying the received data packet(s) to change content of one or more fields of a mainframe screen displayed on the emulator(s).

REJECTIONS AT ISSUE

The Examiner has rejected claims 1 through 6, and 8 through 20 under 35 U.S.C. § 103(a) as unpatentable over Housel (US 6,453,343 B1), Neuman (US 2002/0162026 A1) and Er (US 2010/0325097 A1). Final Action 3–20.¹

The Examiner has rejected claim 7 under 35 U.S.C. § 103(a) as unpatentable over Housel, Neuman, Er, and Ly (US 2006/0017954 A1). Final Action 20–21.

The Examiner has rejected claims 21 through 23 under 35 U.S.C. § 103(a) as unpatentable over Housel, Neuman, Er, and Atashband (US 2008/0153599 A1). Final Action 21–22.

¹ Throughout this Decision, we refer to the Appeal Brief filed March 6, 2015, the Reply Brief filed December 11, 2015, Final Action mailed August 21, 2014, and the Examiner’s Answer mailed November 6, 2015.

The Examiner has rejected claims 1 through 6, and 8 through 15 under 35 U.S.C. § 103(a) as unpatentable over Mochida (US 2007/0239889 A1), Housel, and Er. Final Action 22–29.

The Examiner has rejected claims 16 through 20 under 35 U.S.C. § 103(a) as unpatentable over Mochida, Housel, Neuman, and Er. Final Action 29–34.

The Examiner has rejected claim 7 under 35 U.S.C. § 103(a) as unpatentable over Mochida, Housel, Er, and Ly. Final Action 34–35.

The Examiner has rejected claims 21 through 23 under 35 U.S.C. § 103(a) as unpatentable over Mochida, Housel, Er and Atashband. Final Action 35–36.

ISSUES

Rejections based upon Housel, Neuman, and Er.

Appellant argues, on pages 11 through 16 of the Appeal Brief and pages 2 through 3 of the Reply Brief, that the Examiner's rejection of claims 1 through 6 and 8 through 20 based upon Housel, Neuman, and Er is in error. These arguments present us with the following issues:

1. Did the Examiner err in combining the teachings of Housel, Neuman, and Er as the combination would render Housel inoperable for its intended purpose?
2. Did the Examiner err in finding the combined teachings of Housel, Neuman, and Er teach modifying received data packets to change content of one or more fields of a mainframe screen displayed on an emulator?

Appellant's arguments, on pages 16 and 17 of the Appeal Brief, directed to the obviousness rejection of claims 7 and 21 through 23 present us with the same issue as claim 1.

Rejections based upon Mochida, Housel, and Er.

Appellant argues, on pages 7 through 9 of the Appeal Brief and pages 2 through 3 of the Reply Brief, that the Examiner's rejection of claims 1 through 6 and 8 through 15 based upon Mochida, Housel, and Er is in error. These arguments present us with the following issues:

3. Did the Examiner err in combining the teachings of Mochida, Housel, and Er as the combination would render Housel inoperable for its intended purpose and Mochida unsatisfactory for its intended purpose?
4. Did the Examiner err in finding the combined teachings of Mochida, Housel, and Er teach modifying received data packets to change content of one or more fields of a mainframe screen displayed on an emulator?

Appellant's arguments, on pages 22 and 23 of the Appeal Brief, directed to the obviousness rejection of claims 7 and 16 through 23, present us with the same issue as claim 1.

ANALYSIS

We have reviewed Appellant's arguments in the Appeal Brief and the Reply Brief, the Examiner's rejections, and the Examiner's response to Appellant's arguments. Appellant's arguments have not persuaded us of error in the Examiner's rejection of claims 1 through 23.

Rejections based upon Housel, Neuman, and Er.

Appellant's arguments directed to the first issue are premised upon the assertion that the intended purpose of Housel is to reconstruct the original data stream for transmission over a low speed communication link. App. Br. 14, Reply Br. 2. Based upon this assertion Appellant concludes that changing Housel to modify data would destroy the intended purpose as the reconstructed data would not be the original data stream. App. Br. 15

The Examiner responds by finding that the combination would not render Housel inoperable for its intended purpose as in combination the modification of the displayed screen may be performed after the data packet is restored. Answer 3. Further, the Examiner finds the suggestion to combine the teachings is found in Er. Answer 4–5. We concur with the Examiner. Further, we consider the transmission of existing terminal emulator protocols in a low speed communication system by reducing the volume of data to be Housel's intended purpose, and we do not consider modifying the data stream as proposed by the Examiner to render this purpose inoperable. Thus, Appellant's arguments directed to the first issue have not persuaded us of error in the Examiner's rejection.

Appellant's arguments directed to the second issue assert that Er teaches that the fields changed are on a screen, but does not disclose that this is performed by modifying received packets. App. Br. 16. The Examiner responds by identifying that it is the combination of Housel and Er which teaches the disputed limitation of the claim. Answer 5–6. We concur with the Examiner and are not persuaded of error in these findings as Appellant's arguments do not address the combined teachings. Accordingly, we sustain the Examiner's obviousness rejection of 1 through 6 and 8 through 20 based

upon Housel, Neuman, and Er. As Appellant's arguments directed to the rejection of claims 7 and 21 through 23 do not present us with additional issues, we similarly sustain the rejection of these claims.

Rejections based upon Mochida, Housel, and Er

Appellant asserts on page 19 of the Appeal Brief, that the Examiner's combination of Er, Mochida, and Housel would render Housel inoperable for its intended purpose. We are not persuaded of error by this assertion, as Appellant has not provided further rationale. In as much as Appellant intended to import the arguments discussed above with respect to the first issue, we are not persuaded as discussed above.

Appellant further asserts that the combination would render Mochida unsatisfactory for its intended purpose and require substantial reconstruction and redesign. App. Br. 20–21, Reply Br. 4. Appellant reasons the combination would require the content of Mochida's TCP packet to be changed, changing the TCP data packet length which would change the operations of Mochida. App. Br. 20–21. Reply Br. 4. We are not persuaded of error by these arguments as they are speculative (i.e., there is insufficient evidence to demonstrate that the combination would require that the TCP packet data length to be changed). Further, Appellant's argument that the modification would require substantial reconstruction is not well taken. As Appellant acknowledged, Mochida teaches changing the ACK field in the packet, thus teaching changing data in the packet, we do not consider it to be significant that data in other fields is also changed. Accordingly, Appellant's arguments directed to the third issue have not persuaded us of error in the Examiner's rejection.

Appellant's arguments directed to the fourth issue are the same as discussed above with respect to the second issue. As discussed above with respect to the second issue we are not persuaded of error. Accordingly, we sustain the Examiner's obviousness rejection of claims 1 through 6, and 8 through 15 based upon Mochida, Housel, and Er.

As Appellant's arguments directed to the rejection of claims 7 and 16 through 23 do not present us with additional issues, we similarly sustain the rejection of these claims.

DECISION

The decision of the Examiner to reject claims 1 through 23 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