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IBM CORP. (AUS) C/O THE LAW OFFICE OF JAMES BAUDINO, PLLC 2313 ROOSEVELT DRIVE SUITE A ARLINGTON, TX 76016			WU, FUMING	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte NATARAJAN CHELLAPPAN,
MADHUSUDANAN KANDASAMY,
VIDYA RANGANATHAN, and
LAKSHMANAN VELUSAMY

Appeal 2016-002150
Application 13/212,024¹
Technology Center 2100

Before LARRY J. HUME, SCOTT B. HOWARD, and
STEVEN M. AMUNDSON, *Administrative Patent Judges*.

HUME, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) of the Non-Final Rejection of claims 1–3, 5–9, 11–14, and 16–23. Appellants have canceled claims 4, 10, and 15. We have jurisdiction under 35 U.S.C. § 6(b). *See Ex parte Lemoine*, 46 USPQ2d 1420, 1423 (BPAI 1994) (precedential).

We AFFIRM.

¹ According to Appellants, the real party in interest is International Business Machines Corp. App. Br. 2.

STATEMENT OF THE CASE²

The Invention

Appellants' disclosed and claimed inventions relate to "domain based user mapping of objects." Spec. ¶ 2.

Exemplary Claim

Claim 1, reproduced below, is representative of the subject matter on appeal (*emphasis added*):

1. A method, comprising:

responsive to determining that an operation is being attempted by a user on an object identified with an object identifier, determining domain identifiers defined for the user, the domain identifiers indicating domains to which the user belongs;

accessing domain isolation rules, the domain isolation rules indicating rules for allowing or disallowing operations to proceed on objects based on object identifiers and domain identifiers;

evaluating a domain isolation rule for the object based on the object identifier to determine whether at least one of the domain identifiers defined for the user corresponds to a permitted domain for the object identifier, the permitted domain indicating that the operation on the object can proceed for the corresponding domain identifier;

responsive to determining that the operation on the object can proceed based on the domain isolation rule, *accessing user mapping rules that map specified users allowed to perform a*

² Our decision relies upon Appellants' Appeal Brief ("App. Br.," filed June 9, 2015); Reply Brief ("Reply Br.," filed Dec. 11, 2015); Examiner's Answer ("Ans.," mailed Oct. 14, 2015); Non-Final Office Action ("Non-Final Act.," mailed Jan. 9, 2015); and the original Specification ("Spec.," filed Aug. 17, 2011).

specified operation to a specified object based on the object identifier;

determining whether the operation can proceed on the object by the user based on the user mapping rules by determining whether the user attempting to perform the operation on the object is mapped to the object identifier for the operation; and

responsive to determining that the user is mapped to the object for the operation based on the object identifier, permitting the operation to proceed on the object.

Prior Art

The Examiner relies upon the following prior art as evidence in rejecting the claims on appeal:

Mann et al. ("Mann '439") US 8,375,439 B2 Feb. 12, 2013

Desai et al. ("Desai '191") US 8,429,191 B2 Apr. 23, 2013

Jonathan D. Moffett, *Delegation of Authority Using Domain-Based Access Rules*, 1–161 (July 1990) (Corrected Sept. 1990) (Ph.D. Thesis, Imperial College of Science, Technology & Medicine, University of London); (hereinafter "Moffett").

Rejections on Appeal

R1. Claims 1–3, 5–9, 11–14, and 16–23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Moffett. Ans. 4; Non-Final Act. 2.

R2. Claims 1–3, 5–9, 11–14, and 16–23 stand rejected under the judicially-created doctrine of obviousness-type double patenting (OTDP) over claims 1–19 of Desai '191 in view of Moffett. Ans. 12; Non-Final Act. 8.

R3. Claims 1–3, 5–9, 11–14, and 16–23 stand rejected under the judicially-created doctrine of obviousness-type double patenting (OTDP)

over claims 1–19 of Mann '439 in view of Moffett. Ans. 17; Non-Final Act. 14.

CLAIM GROUPING

Based on Appellants' arguments (App. Br. 6–12), we decide the appeal of anticipation Rejection R1 of claims 1–3, 5–9, 11–14, and 16–23 on the basis of representative claim 1.

We address OTDP Rejections R2 and R3 of claims 1–3, 5–9, 11–14, and 16–23, *infra*.

ISSUES AND ANALYSIS

In reaching this decision, we consider all evidence presented and all arguments actually made by Appellants. We do not consider arguments that Appellants could have made but chose not to make in the Briefs, and we deem any such arguments waived. 37 C.F.R. § 41.37(c)(1)(iv).

We disagree with Appellants' arguments with respect to claims 1–3, 5–9, 11–14, and 16–23, and we incorporate herein and adopt as our own: (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken, and (2) the reasons and rebuttals set forth in the Examiner's Answer in response to Appellants' arguments. We incorporate such findings, reasons, and rebuttals herein by reference unless otherwise noted. However, we highlight and address specific findings and arguments regarding claim 1 for emphasis as follows.

1. § 102(b) Rejection R1 of Claims 1–3, 5–9, 11–14, and 16–23

Issue 1

Appellants argue (App. Br. 6–12; Reply Br. 2–5) the Examiner's rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by Moffett is in error. These contentions present us with the following issue:

Did the Examiner err in finding the cited prior art discloses a method that includes, *inter alia*, the steps of "accessing domain isolation rules, the domain isolation rules indicating rules for allowing or disallowing operations to proceed on objects based on object identifiers and domain identifiers," and "accessing user mapping rules that map specified users allowed to perform a specified operation to a specified object based on the object identifier," as recited in claim 1?

Analysis

Appellants contend the Examiner erred in relying upon Moffett for disclosing "domain isolation rules" *and* "user mapping rules." App. Br. 7–9. Appellants specifically contend "**Moffett appears to instead use the domain isolation rules (e.g., as set forth in section III.1.1-2) for controlling access to objects.**" App. Br. 8. Further, Appellants argue the "access matrix" in Moffett Figure II.6

suffers from at least three disadvantages: 1) impracticably large; 2) an untrue assumption of global knowledge of the users and objects in a system (a full matrix can never be constructed); and 3) the typical case is that a domain of users is desired for giving access to a domain of objects instead of giving one or more identified users access to one or more identified objects.

Id. (citing Moffett § II.2.3, pp. 27–28).

We agree with the Examiner's mapping of both the "domain isolation rules" and "user mapping rules," and their use in determining whether an operation on an object can proceed, as variously claimed. *See* Non-Final Act. 2–3; Ans. 4–6, 18–19; Moffett § II.2.3, Fig. II.6 (for user mapping rules), and Moffett § III.1 and Fig. III.2 (for domain isolation rules).

With respect to the purported disadvantages of Moffett's access matrix disclosing user mapping rules, Appellants also argue "Moffett explicitly teaches away from using user mapping rules." App. Br. 9. In response, we note "[t]eaching away is irrelevant to anticipation." *Seachange Int'l, Inc., v. C-COR, Inc.*, 413 F.3d 1361, 1380 (Fed. Cir. 2005).

Therefore, based upon the findings above, on this record, we are not persuaded of error in the Examiner's reliance on the disclosure of the cited prior art to disclose the disputed limitations of claim 1, nor do we find error in the Examiner's resulting finding of anticipation. Therefore, we sustain the Examiner's anticipation rejection of independent claim 1, and grouped claims 2–3, 5–9, 11–14, and 16–23 which fall therewith. *See* Claim Grouping, *supra*.

2. OTDP Rejection R2 of Claims 1–3, 5–9, 11–14, and 16–23

Issue 2

Appellants argue (App. Br. 12–13; Reply Br. 5–6) the Examiner's OTDP Rejection R2 of claims 1–3, 5–9, 11–14, and 16–23 over claims 1–19 of Desai '191 in view of Moffett is in error. These contentions present us with the following issue:

Did the Examiner err in combining the teachings of Moffett with claims 1–19 of Desai '191 to render claims 1–3, 5–9, 11–14, and 16–23

unpatentable, purportedly because "**Moffett does not use both** domain isolation rules and the access matrix . . . [and] **appears to instead use only the domain isolation rules**"? Reply Br. 5.

Analysis

We find Appellants' contention is essentially the same as that presented with respect to *Issue 1*, claim 1, *supra*.

For essentially the same reasons addressed above with respect to the teachings and suggestions of Moffett, we affirm the Examiner's OTDP Rejection R2 of independent claim 1, and also Rejection R2 of claims 2, 3, 5–9, 11–14, and 16–23, which Appellants do not argue separately with specificity. Arguments not made are waived.

3. OTDP Rejection R3 of Claims 1–3, 5–9, 11–14, and 16–23

Issue 3

Appellants argue (App. Br. 13–15; Reply Br. 6–8) the Examiner's OTDP Rejection R3 of claims 1–3, 5–9, 11–14, and 16–23 over claims 1–19 of Mann '439 in view of Moffett is in error. These contentions present us with the following issue:

Did the Examiner err in combining the teachings of Moffett with claims 1–19 of Mann '439 to render claims 1–3, 5–9, 11–14, and 16–23 unpatentable, purportedly because "**Moffett does not use both** domain isolation rules and the access matrix . . . [and] **appears to instead use only the domain isolation rules**"? Reply Br. 7.

Analysis

We find Appellants' contention is essentially the same as that presented with respect to *Issues 1 and 2*, claim 1, *supra*.

For essentially the same reasons addressed above with respect to the teachings and suggestions of Moffett, we affirm the Examiner's OTDP Rejection R3 of independent claim 1, and also Rejection R3 of claims 2, 3, 5–9, 11–14, and 16–23, which Appellants do not argue separately with specificity. Arguments not made are waived.

REPLY BRIEF

To the extent Appellants may advance new arguments in the Reply Brief (Reply Br. 2–8) not in response to a shift in the Examiner's position in the Answer, we note arguments raised in a Reply Brief that were not raised in the Appeal Brief or are not responsive to arguments raised in the Examiner's Answer will not be considered except for good cause (*see* 37 C.F.R. § 41.41(b)(2)), which Appellants have not shown.

CONCLUSIONS

(1) The Examiner did not err with respect to anticipation Rejection R1 of claims 1–3, 5–9, 11–14, and 16–23 under 35 U.S.C. § 102(b) over the cited prior art of record, and we sustain the rejection.

(2) The Examiner did not err with respect to OTDP Rejections R2 and R3 of claims 1–3, 5–9, 11–14, and 16–23 over the cited prior art combinations of record, and we sustain the rejections.

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Application 13/212,024

DECISION

We affirm the Examiner's decision rejecting claims 1–3, 5–9, 11–14, and 16–23.

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). *See* 37 C.F.R. § 41.50(f).

AFFIRMED