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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MARIA G. LAM and IMTIYAZ SHAIKH

Appeal 2016-003590
Application 13/869,654
Technology Center 2600

Before: ELENI MANTIS MERCADER, TERRENCE W. MCMILLIN, and STEVEN M. AMUNDSON, *Administrative Patent Judges*.

MANTIS MERCADER, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE

Appellants appeal under 35 U.S.C. § 134 from the Examiner's Final Rejection of claims 1, 3–10, and 12–22. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

THE INVENTION

The claimed invention is directed to a traffic content analyzer device to analyze header information of a data packet to identify a type of content of the data packet, and output a message that is based on the identified type of content; and a mobile management entity device to receive the message from the traffic content analyzer device, and locate an intended recipient of the data packet by paging one or more base stations using a paging scheme that is based on information in the message. Abstract.

Claim 1, reproduced below, is illustrative of the claimed subject matter:

> 1. A method, comprising:
>
> receiving, by one or more network devices, traffic that is destined for a user device, the traffic including one or more Session Initiation Protocol ("SIP") packets, wherein the one or more SIP packets each include header information that includes one or more fields, the one or more fields including a "content-type" field;
>
> determining, by the one or more network devices, a type of content associated with the traffic, the determining including analyzing the "content-type" field in the header information associated with the one or more SIP packets;
>
> determining, based on the type of content and by the one or more network devices, a base station paging scheme; and
>
> locating, by the one or more network devices, the user device, the locating being performed by using the base station paging scheme.

REFERENCES

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Yin	US 2012/0087313 A1	Apr. 12, 2012
Knauft	US 2013/0316706 A1	Nov. 28, 2013

REJECTIONS

The Examiner made the following rejections:

Claims 17–20 stand rejected under 35 U.S.C § 102(b) as being anticipated by Yin.

Claims 1, 3–10, 12–16, 21, and 22 stand rejected under 35 U.S.C § 103(a) as being unpatentable over Knauft in view of Yin.

ISSUE

The pivotal issue is whether the Examiner erred in finding that Yin alone discloses, or in combination with Knauft teaches or suggests, the limitation of "a Session Initiation Protocol ('SIP') packet, the analyzed header information including a 'content-type' field" as recited in claim 17 and similarly recited in claims 1 and 10.

ANALYSIS

We adopt the Examiner's findings in the Answer and Final Action and we add the following primarily for emphasis.

Claims 17–20 stand rejected under 35 U.S.C § 102(b)

Appellants argue that Knauft and Yin, taken alone or in combination, fail to disclose "receiving, by one or more network devices, traffic that is destined for a user device, the traffic including one or more Session

Initiation Protocol ('SIP') packets, wherein the one or more SIP packets each include header information that includes one or more fields, the one or more fields including a 'content-type' field," as recited in independent claim 1 (App. Br. 7). In particular, Appellants assert that even if the Examiner's assertions are true that Yin discloses performing deep packet inspection of the IP header in order to determine content type, a point Appellants do not concede, nothing in the disclosure of Yin, or even in the Examiner's assertions, relates to the specific field recited in claim 1: a "content-type field" in the header of an SIP packet (App. Br. 7).

Appellants assert Yin (para. 103) discloses generating different downlink service data flow filters according to "IP address, protocol type, port number, IPSec parameter index, DSCP/TOS [type of service], and Flow Label sent by [an] application gateway, [and the] serving gateway may generate different downlink traffic flow templates according to different downlink service data flow filters," but this paragraph does not disclose analyzing a header of an SIP packet, as recited in claim 1 (App. Br. 9). Appellants repeat similar arguments relating to claim 17 as anticipated by Yin (App. Br. 14–17).

We do not agree with Appellants' arguments. We agree with the Examiner that Yin discloses analyzing *the header information* associated with the one or more SIP packets wherein the serving gateway receives Differentiated Services Codepoint Priority (i.e., DSCP) and Type of Service (i.e., TOS) within the IP packet header and performs *deep packet inspection* of the IP header in order to determine content type (Ans. 2; *see* Yin paras. 77, 80, 103). We further agree with the Examiner that Yin also discloses that the DSCP/TOS are fields within the IP header that are used to indicate different service types (Ans. 3). For example, the value "10" of the IP

header field indicates *voice call* and the value "17" of the IP header indicates *short message service* (Ans. 3; Yin para. 77). Thus, "content-type" would be *voice call* or *short message service* and each having a different paging policy (Ans. 2–3; *see* Yin para. 189).

Appellants in the Reply Brief emphasize that a DSCP field contained in an IP header is a completely different concept from a "content-type" field contained in a header of an SIP packet (Reply Br. 3–4). Appellants assert that DSCP fields are part of a completely different layer from SIP "content-type" fields (Reply Br. 4). Appellants provide no evidence for this assertion. Appellants have not persuasively provided arguments or technical evidence to rebut the Examiner's findings. *See, e.g., In re Geisler*, 116 F.3d 1465, 1470 (Fed. Cir. 1997) (attorney arguments or conclusory statements are insufficient to rebut a prima facie case).

Nonetheless, upon careful reading of Yin, Yin discloses that when the serving gateway receives an *SIP signaling encapsulated data packet*, the serving gateway is unable to differentiate whether *the data packet* corresponds to the signaling message of voice call or short message service, therefore the service type corresponding to some parameters, such as differentiated services codepoint priority (DSCP, Differentiated Services Codepoint Priority) and type of service (TOS) *of the data packet* may be *pre-configured* on the serving gateway or the mobility management network element, *and then services may be differentiated according to these parameters* (para. 72). Thus, we are not persuaded by Appellants' assertion that the DSCP field contained in an IP header is a completely different concept from a "content-type" field contained in a header of an SIP packet.

Accordingly we affirm the Examiner's rejection of claim 17 and also the rejections of claims 18–20 for the same reasons.

Claims 1, 3–10, 12–16, 21, and 22 stand rejected under 35 U.S.C. § 103(a)

Appellants present similar arguments as stated *supra*. Appellants additionally argue that certain aspects of claim 10 are ignored by the Examiner, such as "source IP address" (App. Br. 13). We note that claim 10 does not recite such an element. Accordingly, for the same reasons as stated *supra* we affirm the Examiner's rejections of claims 1, 3–10, 12–16, 21, and 22.

CONCLUSION

The Examiner did not err in finding that Yin alone discloses, or in combination with Knauft teaches or suggests, the limitation of "a Session Initiation Protocol ('SIP') packet, the analyzed header information including a 'content-type' field" as recited in claim 17 and similarly recited in claims 1 and 10.

DECISION

For the above reasons, the Examiner's rejection of claims 1, 3–10, and 12–22 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