



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

Table with columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO., EXAMINER, ART UNIT, PAPER NUMBER, NOTIFICATION DATE, DELIVERY MODE. Includes application details for Joe Abuan and examiner NGUYEN, MINH CHAU.

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):

e-office@skgf.com
Apple-eOA@skgf.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JOE ABUAN, BERKAT TUNG,
HYEONKUK JEONG, and JOSHUA GRAESSLEY

Appeal 2016-006245
Application 14/063,823
Technology Center 2400

Before JASON V. MORGAN, BRUCE R. WINSOR, and
PHILLIP A. BENNETT, *Administrative Patent Judges*.

MORGAN, *Administrative Patent Judge*.

DECISION ON APPEAL

Introduction

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1–15. An Oral Hearing scheduled for January 16, 2018, was waived by Appellant¹. Waiver of Hearing (Dec. 12, 2017). We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM-IN-PART.

¹ Appellant and the real party in interest is the Applicant, identified in the Appeal Brief as Apple, Inc. App. Br. 1; Bib. Data Sheet.

Invention

The Specification discloses “[m]ethods for establishing a direct peer-to-peer (‘P2P’) connection between computers” (Abstract) in which “[a]n initiating computer determines its public address by querying an address-determination server” (Spec. ¶ 11).

Exemplary Claim (key limitations emphasized)

1. A method of initiating a peer-to-peer network connection from a first computer to a second computer across a public network, wherein at least one of the first and second computers is on a private network and is connected to the public network through a network address translator, the first and second computers having each established a connection to a common Relay server, the method comprising:

sending an address-determination message from the first computer to an address-determination server;

receiving at the first computer a reply to the address-determination message;

composing and sending from the first computer to the Relay server for retransmitting to the second computer, a message comprising a request to initiate

a connection and one or more addresses corresponding to the first computer;

receiving from the Relay server a message, at the first computer, originating at the second computer and comprising one or more addresses corresponding to the second computer; and

sending a request, from the first computer, to initiate connection to one or more of the addresses corresponding to the second computer in sequence until a direct connection is established between the first and second computers.

Rejection

The Examiner rejects claims 1–15 under 35 U.S.C. § 102(e) as being anticipated by Kunze et al. (US 6,879,593 B1; issued Apr. 12, 2005). Final Act. 2–6.

ANALYSIS

Claims 1–14

Illustrative claim 1 is directed to a method of initiating a P2P connection that includes the steps of: (1) “sending an address-determination message from the first computer to an address-determination server” and (2) “receiving at the first computer a reply to the address-determination message.” As explained in the Specification, an address-determination server is used by an initiating computer in order to determine the initiating computer’s public address. *See* Spec. ¶¶ 11, 25, and 29–30.

The Examiner finds that Kunze’s teachings directed to Network Address Port Translation—a technology in which “particular public network sockets of the gateway are mapped to particular sockets on nodes of the private network” (Kunze col. 1, ll. 22–24)—disclose the claimed *address-determination message* and *reply*. Final Act. 3 (citing Kunze col. 1, ll. 16–42); *see also* Ans. 7 (citing Kunze col 3, ll. 29–35 and 49–53).

Appellant contends the Examiner erred because “Kunze is limited to describing a **gateway** that forwards packets between devices on different networks.” App. Br. 9; *see also* Reply Br. 3–4. That is, Kunze merely discloses how a packet addressed to a gateway is forwarded, based on its destination public socket (i.e., a public network address and port identifier), to a private network socket having a private network address and port identifier different from the public network address and port identifier. *See*

Kunze col. 1, ll. 24–28, and col. 2, ll. 1–3. Appellant argues such forwarding does not “describe or suggest either . . . an address-determination message or an address-determination server” as claimed. App. Br. 10.

We agree the Examiner erred. The cited teachings of Kunze merely relate to the mapping of public network sockets to private network sockets. *See, e.g.*, Kunze col. 1, ll. 33–36, and col. 3, ll. 29–36. The Examiner’s findings do not show that such mapping is directed to *sending an address-determination message* and receiving a *reply to the address-determination message*. Notably, the Network Port Address Translation technology described in Kunze is directed to enabling “nodes on the public network to transmit packets to nodes on the private network” by automatically forwarding packets “to the socket on the private network to which the public network socket is mapped.” Kunze col. 1, ll. 16–28. The cited portions of Kunze do not delve into a particular exchange—such as one of the nodes on the public network responding to an *address-determination message* sent from one of the nodes on the private network—that would necessitate such port mapping.

Accordingly, we do not sustain the Examiner’s 35 U.S.C. § 102(e) rejection of claim 1, and claims 2–14, which contain similar recitations.

Claim 15

Although we do not sustain the Examiner’s 35 U.S.C. § 102(e) rejection of independent claim 8, which claim 15 references, we sustain the Examiner’s 35 U.S.C. § 102(e) rejection of claim 15. Claim 15 recites a “memory *for* storing instructions in accordance with claim 8” (emphasis added) and “a processor *for* executing the instructions” (emphasis added). These are merely non-limiting intended uses of the memory and processor of

claim 15. The instructions of claim 8 do not have to be stored in the memory or executed by the processor for a device to fall within the scope of claim 15 given a broad, but reasonable, interpretation of the *memory* and *processor* recitations.

Appellant's arguments do not show that the Examiner erred in finding Kunze discloses a network interface, memory, and processor, as broadly recited in claim 15. *See* App. Br. 8–13; Reply Br. 2–6. Rather, Appellant's arguments are incommensurate with the scope of claim 15 and, therefore, are unpersuasive. Accordingly, we sustain the Examiner's 35 U.S.C. § 102(e) rejection of claim 15.

DECISION

We reverse the Examiner's decision rejecting claims 1–14.

We affirm the Examiner's decision rejecting claim 15.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 41.50(f).

AFFIRMED-IN-PART