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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte LOGAIN ASFOUR

Appeal 2017-005960
Application 14/576,445[1]
Technology Center 2400

Before DEBRA K. STEPHENS, IRVIN E. BRANCH, and MICHAEL J. ENGLE, *Administrative Patent Judges*.

ENGLE, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from a final rejection of claims 1–20. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

Technology

The application relates to "pattern driven data privacy management." Spec. Abstract. Claim 1 is illustrative and reproduced below:

> 1. A method for pattern driven data privacy management, the method comprising:
>
> monitoring different attempts by one or more end users to access data in a database and a context in which each of the different attempts occur;
>
> computing different patterns of access to the data according to different contexts in which the different attempts occur;

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[1] Appellant states the real party in interest is SugarCRM Inc. App. Br. 2.

> mapping the computed different patterns to a respective portion of the data for which a mapped one of the patterns is computed; and,
>
> responsive to a contemporaneous attempt to access a particular portion of the data, determining a contemporaneous context for the contemporaneous attempt, locating in the mapping a computed pattern for the particular portion of the data, comparing the contemporaneous context to the computed pattern of access for the particular portion of the data, and if the contemporaneous context deviates from a computed pattern of access for the particular portion of the data, enforcing a data privacy rule in respect to the particular portion of the data.

Rejection

Claims 1–20 stand rejected under 35 U.S.C. § 103(a) as obvious over the combination of Wong (US 2014/0181290 A1; June 26, 2014) and Janakiraman et al. (US 2007/0083915 A1; Apr. 12, 2007). Final Act. 7–18.

ISSUES

1. Did the Examiner's rejection meet the notice requirement under 35 U.S.C. § 132?

2. Did the Examiner err in finding the combination of Wong and Janakiraman teaches or suggests "mapping the computed different patterns to a respective portion of the data for which a mapped one of the patterns is computed" and "if the contemporaneous context deviates from a computed pattern of access for the particular portion of the data, enforcing a data privacy rule in respect to the particular portion of the data," as recited in claim 1?

ANALYSIS

Issue 1: Notice Requirement

In Appellant's own words, Appellant "attack[s] the suitability of Wong as a reference without regard to the combination of Wong with Janakiraman." App. Br. 7–8. Thus, "Appellant does not provide any argument with respect to the Janakiraman reference, . . . nor does Appellant provide any argument against the combination of Wong in view of Janakiraman." Ans. 2. Yet "[t]he rejection cites both Wong and Janakiraman as disclosing the majority of the claim." *Id.* at 14. In particular, "Janakirman is cited as disclosing all of claim 1 except for the preamble." *Id.*; Final Act. 9–11. We therefore agree with the Examiner that Appellant fails to adequately address the rejection. "Non-obviousness cannot be established by attacking references individually where the rejection is based upon the teachings of a combination of references." *In re Merck & Co.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986).

Even if Appellant's arguments with respect to Wong alone are considered, we are not persuaded the Examiner erred. Appellant argues the Examiner has not specifically identified a teaching in Wong that discloses the claimed limitation because the Examiner cites the same 26 paragraphs in Wong for each limitation "without any correlation between the specific claimed elements and the cited portions, and contributed only a few words of analysis." App. Br. 10–12. However,

> all that is required of the office to meet its prima facie burden of production is to set forth the statutory basis of the rejection and the reference or references relied upon in a sufficiently articulate and informative manner as to meet the notice requirement of [35 U.S.C.] § 132. As the statute itself instructs, the examiner must "notify the applicant," "stating the reasons for such

> rejection," "together with such information and references as may be useful in judging the propriety of continuing prosecution of his application." 35 U.S.C. § 132.

In re Jung, 637 F.3d 1356, 1363 (Fed. Cir. 2011).

> Section 132 merely ensures that an applicant at least be informed of the broad statutory basis for the rejection of his claims, so that he may determine what the issues are on which he can or should produce evidence. Section 132 is violated when a rejection is so uninformative that it prevents the applicant from recognizing and seeking to counter the grounds for rejection.

Chester v. Miller, 906 F.2d 1574, 1578 (Fed. Cir. 1990) (quotation omitted).

In *Jung*, "the examiner's discussion of the theory of invalidity (anticipation), the prior art basis for the rejection (Kalnitsky), and the identification of where each limitation of the rejected claims is shown in the prior art reference by specific column and line number was *more than sufficient* to meet this burden." *Jung*, 637 F.3d at 1363 (emphasis added).

Here, the Examiner provided the theory of invalidity (obviousness), the prior art basis for the rejection (Wong and Janakiraman), where each limitation of the rejected claims is shown in the prior art references by specific paragraphs, and a discussion of the relevant teachings in the cited paragraphs. Final Act. 7–11; Ans. 24. Indeed, we determine the Examiner has set forth a detailed explanation of a reasoned conclusion of obviousness with respect to each of the claims and therefore has established a prima facie case of obviousness. For example, for the limitation "mapping the computed different patterns to a respective portion of the data for which a mapped one of the patterns is computed," the Examiner cites paragraphs 10, 12, 20–31, 34, and 36–46 and explains these paragraphs teach "allowing for providing varying access rights based on where the user is located, for example, such as providing access to other applications, while denying access to trading

application, and/or providing access to trading application if the user is authenticated, authorized, and present at the appropriate device, as examples." Final Act. 8. Looking at the cited paragraphs of Wong, we find Wong discusses examples of a user having different active network sessions at the same time (e.g., on a computer at home, a computer at work, a laptop at a coffee shop between home and office, and a mobile phone or tablet at every location) despite physically only being in one location at a time (¶¶ 20–21, 36–37), the dangers of allowing access depending on where the user is located (e.g., an "unattended" computer) (¶¶ 10, 12, 22), and techniques for allowing or disallowing access (e.g., to a stock-trading application) based on "contextual data" such as where the user is located (e.g., a "security tag of 'TraderAtConsole'") (¶¶ 22–31, 34, 38–46).

Appellant has not persuaded us that the Examiner's rejection here is "so uninformative that it prevents the applicant from recognizing and seeking to counter the grounds for rejection." *Chester*, 906 F.2d at 1578. We note, for example, that Appellant has not identified any specific claim limitation where the Examiner's explanation is unclear. *See* Reply Br. 5 ("The clarity in Examiner's remarks speaks for itself."). Similarly, we agree with the Examiner that "only those terms need be construed that are in controversy, and only to the extent necessary to resolve the controversy." *Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999). Again, Appellant has not identified any specific claim term it believes is in controversy and needs to be construed.

Accordingly, we determine the Examiner has set forth "the reasons for [the] rejection . . . together with such information and references as may be

useful in judging of the propriety of continuing the prosecution of [the] application," as required by 35 U.S.C. § 132.

Issue 2: Claim 1

Claim 1 recites "mapping the computed different patterns to a respective portion of the data for which a mapped one of the patterns is computed" and "if the contemporaneous context deviates from a computed pattern of access for the particular portion of the data, enforcing a data privacy rule in respect to the particular portion of the data."

According to Appellant, "there is no suggestion in Wong that any mapping occurs between any data for which an attempt at access occurs and patterns of access for past attempts to access the same data. But, so much is required by Applicants' claim language." App. Br. 15. In particular, Appellant argues that Wong teaches enforcing policies, not mapping patterns and comparing a contemporaneous context for a pattern match. *See* App. Br. 15; Reply Br. 6–8.

The Examiner identifies numerous examples from Wong, such as permitting access to a stock trading app "when the trader is at the console" but denying access "once the trader leaves his/her console" (e.g., if an unauthorized user attempts to use a computer that the trader left on when leaving the room). Ans. 33–34 (citing Wong ¶¶ 39–40); Final Act. 7–9. Appellant characterizes these as "policies," yet Appellant fails to explain how such policies are any different than the claimed "enforcing a data privacy *rule*" "if the contemporaneous context deviates from a computed pattern of access" (emphasis added). For example, Wong explains that it "is common for users to leave an active network session unattended for a period of time which may allow access to sensitive network resources and/or

provide an opportunity for a hacker or other malicious entity to access the network." Wong ¶ 22; Final Act. 8 (citing Wong ¶ 22); *see also* Wong ¶¶ 10, 12. Thus, network administrators have recognized two *patterns* of access according to different contexts: (A) the trader is at his or her console and (B) the trader is not at his or her console. Ans. 33–36; Final Act. 7–9 (e.g., "deciding whether to allow access (if user is present) or deny access (if user is away)"). Access to data (e.g., a stock trading app) is then mapped to one of these patterns (i.e., the trader being at his or her console). Ans. 33–34 (discussing Wong ¶ 39), 35 (same), 36; Final Act. 8. A *rule* is then enforced if a contemporaneous context deviates from that pattern (i.e., if the trader is not at his or her console). Ans. 34–35; Final Act. 8–9. Thus, Appellant has not persuaded us the Examiner erred in finding Wong teaches or suggests the "mapping" and "enforcing" limitations.

Indeed, upon review of all of Appellant's assertions, we are not persuaded the combination of Wong and Janakiraman fails to teach or suggest any of the limitations of claim 1.

Accordingly, we sustain the Examiner's rejection of claim 1, and claims 2–20, which Appellant does not argue separately. *See* App. Br. 5.

DECISION

For the reasons above, we affirm the Examiner's decision rejecting claims 1–20. No time for taking subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). 37 C.F.R. § 41.50(f).

AFFIRMED