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Uniloc USA Inc. 102 N. College Avenue Suite 303 Tyler, TX 75702			HOANG, HIEU T	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte CRAIG S. ETCHEGOYEN

Appeal 2018-003205
Application 13/657,859
Technology Center 2400

Before LINZY T. McCARTNEY, JOYCE CRAIG, and
NORMAN H. BEAMER, *Administrative Patent Judges*.

BEAMER, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant¹ appeals under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1–4, 11, 16, and 17, which constitute all the claims pending in this application. Claims 5–10 and 12–15 are cancelled. We have jurisdiction over the pending rejected claims under 35 U.S.C. § 6(b).

We reverse.

¹ We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42. Appellant states that it believes the real parties in interest are Uniloc Luxembourg S.A., and Uniloc USA, Inc. (Appeal Br. 3.)

CLAIMED SUBJECT MATTER

Appellant's disclosed and claimed invention is directed to a local area social networking server that limits social networking activity to people likely to be in close physical proximity to one another and likely to be engaged in similar activities, by only permitting social networking between computing devices that are connected to one another through a common local area network. (Abstr.) Independent claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A method for facilitating a local area social network between two or more computing devices, the method, comprising:
 - receiving a message from a sending one of the computing devices through a local area network;
 - identifying one or more recipient ones of the computing devices by:
 - determining that the recipient computing devices are connected through the local area network,
 - determining that the recipient computing devices are specified by a delivery specification of the message, and
 - determining that the recipient computing devices have a determined desire to receive the message; and
 - sending the message to the recipient computing devices.

(Appeal Br. 17 (Claims Appendix).)

REJECTIONS

The Examiner rejected claims 1–4, 11, 16, and 17 under 35 U.S.C. § 103(a) as being unpatentable over Li et al. (US 2003/0182428, pub. Sept. 25, 2003) and Weksel (US 2007/0124689, pub. May 31, 2007). (Final Act. 2–6.)

ISSUE ON APPEAL

Appellant's arguments present the following issue:²

Whether the Examiner erred in finding the combination of Li and Weksel would have taught or suggested the claim 1 limitation, “identifying one or more recipient ones of the computing devices by: determining that the recipient computing devices are connected through the local area network,” and the commensurate limitation of independent claim 11. (Appeal Br. 6–9.)

ANALYSIS

For the claim requirement at issue, the Examiner relies on the disclosure in Li of a “broadcast sender module,” which “is configured to broadcast the query and search requests, audio/video/chat data and/or instant messages to a network 104a (*e.g.*, a LAN), assuming that the peer computer 102h is connected to network 104a.” (Final Act. 3; Li Fig. 3, ¶100 (emphasis added).) The Examiner points out that a prior version of claim 1, containing this limitation (but different in other respects), was rejected as anticipated by Li, which rejection was previously affirmed on appeal by this Panel. (Ans. 3, *citing Ex parte CRAIG S. ETCHEGOYEN*, Appeal 2015-005516 (PTAB Aug. 31, 2016).)

Appellant argues that Li does not teach identifying recipients by determining whether a peer computer is connected to a local area network.

² Rather than reiterate the arguments of Appellant and the findings of the Examiner, we refer to the Appeal Brief (filed Sept. 1, 2017) (“Appeal Br.”); the Reply Brief (filed Jan. 30, 2018) (“Reply Br.”); the Final Office Action (mailed Feb. 2, 2016) (“Final Act.”); and the Examiner’s Answer (mailed Nov. 30, 2017) (“Ans.”) for the respective details.

Instead, “Li merely teaches that one peer computer can send query and search requests to another peer computer over a network, one example of such a network being a local area network.” (Appeal Br. 8.) Appellant further argues that Li is “entirely agnostic as to the particular type of network connectivity that exists between one or more peer computers.” (*Id.* at 9.) Appellant relies on the explanation in the Specification:

To limit social networking to people likely to be in close physical proximity to one another and likely to be engaged in similar activities, the local area social networking server only permits social networking between computing devices that are connected to one another through a common local area network.

(*Id.* at 7, quoting Spec. ¶ 7.) Appellant further argues the pending issue was not considered in the prior appeal, which involved different claims and a different rejection. (Reply Br. 3.)

We agree with Appellant. There is no teaching or suggestion in Li of identifying recipients by determining if the recipient is connected to a local area network. Li simply teaches that a local area network is one type of network that may be used to provide connectivity between peer computers. Accordingly, we do not sustain the Examiner’s obviousness rejections of independent claims 1 and 11 as obvious over Li and Weksel. We also do not sustain the Examiner’s obviousness rejections of claims 2–4, 16, and 17 over Li and Weksel, which claims depend, directly or indirectly, from claim 1.

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1-4, 11, 16, 17	103	Li, Weksel		1-4, 11, 16, 17

REVERSED