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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte HONG LI, ALAN D. ROSS, RITA H. WOUHAYBI,
and TOBIAS M. KOHLENBERG

Appeal 2018-004917
Application 14/968,178
Technology Center 2400

Before ERIC B. CHEN, JEREMY J. CURCURI, and
BARBARA A. BENOIT, *Administrative Patent Judges*.

CURCURI, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 2–21. Final Act. 1. We have jurisdiction under 35 U.S.C. § 6(b).

Claims 2–21 are rejected under pre-AIA 35 U.S.C. § 103(a) as obvious over Hansknecht (US 9,092,540 B2; July 28, 2015) and Hegli (US 2014/0330759 A1; Nov. 6, 2014). Final Act. 3–9.

We reverse.

STATEMENT OF THE CASE

Appellants' invention relates to "intelligent aggregation of platform device interaction information associated with web applications." Spec. ¶ 2. Claim 2 is illustrative and reproduced below, with the key disputed limitation emphasized:

2. An apparatus comprising:

a browser interface to detect a browser request that is to be issued from a browser of a platform for remote web content, wherein the web content is to be presented on the platform in response to the browser request; and

a security module to:

determine interaction information including a web content call to a hardware component of the platform by the web content during one or more of a retrieval of the web content and a presentation of the web content on the platform; and

in response to determination of the interaction information:

generate a risk profile based on the interaction information to document a risk associated with access by the web content to the hardware component of the platform; and

disallow the access by the web content to the hardware component of the platform.

PRINCIPLES OF LAW

We review the appealed rejections for error based upon the issues identified by Appellants, and in light of the arguments and evidence produced thereon. *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential).

ANALYSIS

Contentions

The Examiner finds Hansknecht and Hegli teach all limitations of claim 2. Final Act. 3–4. In particular, the Examiner finds Hansknecht teaches most limitations of claim 2. Final Act. 3. Further, the Examiner finds Hegli teaches claim 2’s recitation of

in response to determination of the interaction information:

generate a risk profile based on the interaction information to document a risk associated with access by the web content to the hardware component of the platform; and

disallow the access by the web content to the hardware component of the platform.

Final Act. 3 (citing Hegli ¶ 50). The Examiner reasons:

It would have been obvious to one of ordinary skill in the art at the time the invention was made filed to include the method of webpage/browser analysis of Hansknecht with the risk profiling process disclosed in Ranadive [sic] because in order to prevent malicious system call to access computer resource from the webpage.

Final Act. 3.

Among arguments, Appellants present the following principal argument:

Appellant[s] maintain[] that Hansknecht and Hegli are silent regarding to disallow access by web content to a hardware component of a platform, as claimed. Instead, Hansknecht and Hegli at most teach “the present invention would prevent **an end user client from accessing the Internet resource** since its reputation index is deemed unsafe.” *See e.g.*, Hegli, paragraph [0085]. (Emphasis added).

App. Br. 12; *see also* Reply Br. 5–6.

In response to this argument, the Examiner explains “[i]n Hegli we see a request is transmitted to the database/data-storage (hardware component) in order to retrieve Internet resource/data and based on the reputation value, whether to permit or deny the access request and which is exactly as the claim limitation of claim 2.” Ans. 4 (citing Hegli ¶¶ 72, 94)

Our Review

Hansknecht discloses:

The invention includes a thick-client hardware compatibility wrapper (HCW), which renders web-based applications and manages communication between hardware functionality and the web-based application. Specifically, the HCW monitors the web-based application and identifies commands to the hardware components of the mobile device. These commands are interpreted by the HCW, which then uses native calls to perform the hardware-specific activities.

Hansknecht, Abstract.

Thus, Hansknecht discloses allowing web content to access the hardware via a compatibility wrapper. Missing from this is claim 2’s recitation of “in response to determination of the interaction information. . . disallow[ing] the access by the web content to the hardware component of the platform.” *See* Final Act. 3.

Hegli discloses:

The method also includes receiving the request for the Internet resource at a security appliance of the local area network prior to transmission of the request over the Internet. . . . The method also includes transmitting a decision transmission to the Internet-enabled client application of the client-side device. The decision transmission allows or denies access to the Internet resource.

Hegli ¶ 50; *see also* Hegli ¶¶ 72, 94.

Thus, Hegli discloses allowing or denying (disallowing) access *to* web content. Hegli is discussing access *to* the web content. This is in contrast to the web content making a call to a hardware component of the platform. Further, although Hegli does consider the reputation of the Internet resource, we do not readily see any explanation that this reputation considers interaction information including a call to a hardware component. Because Hegli's Internet resource is not making a call to the hardware component of the platform, there cannot be any "disallow[ing] the access by the web content to the hardware component of the platform." For these reasons, we find Hegli does not teach the key disputed limitation.

In the Examiner's Answer, the Examiner refers to Hegli's transmitted request as being transmitted to a hardware component. *See* Ans. 4. This is different than the disputed limitation because Hegli's Internet resource is not making a call to the hardware component of the platform; rather, Hegli is describing the platform transmitting a request for access to an Internet resource.

We, therefore, do not sustain the Examiner's rejection of claim 2. We also do not sustain the Examiner's rejection of claims 3–9, which depend from claim 2.

Independent claims 10 and 18 recite the same key disputed limitation. We, therefore, do not sustain the Examiner's rejection of claims 10 and 18. We also do not sustain the Examiner's rejections of claims 11–17 and 19–21, which variously depend from claims 10 and 18.

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DECISION

The Examiner's decision rejecting claims 2–21 is reversed.

REVERSED