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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/634,008	02/27/2015	Josh Kaplan	085118-523379_P512US1	3702

78189	7590	01/21/2020

Dropbox
c/o Polsinelli PC
1401 Eye (
Washington, DC 20005

EXAMINER
CATTUNGAL, DEREENA T

ART UNIT	PAPER NUMBER
2431	

NOTIFICATION DATE	DELIVERY MODE
01/21/2020	ELECTRONIC

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):

DropboxMail@Polsinelli.com
patentdocketing@polsinelli.com

UNITED STATES PATENT AND TRADEMARK OFFICE

————————————

BEFORE THE PATENT TRIAL AND APPEAL BOARD

————————————

Ex parte JOSH KAPLAN, ADAM COOK, STEPHEN POLETTO,
THOMAS WRIGHT, and LUKE FARAONE

————————————

Appeal 2018-005000
Application 14/634,008
Technology Center 2400

————————————

Before ALLEN R. MacDONALD, CAROLYN D. THOMAS, and
DAVID J. CUTITTA II, *Administrative Patent Judges*.

MacDONALD, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant[1] appeals from a Final
Rejection (July 5, 2017) of claims 1–3, 5–8, 10–15, and 17–20. Appeal
Br. 2. Claims 4, 9, and 16 have been withdrawn from consideration. Final
Act. 1. We have jurisdiction under 35 U.S.C. § 6(b). Oral arguments were
heard on January 13, 2020. A transcript of that hearing will be added to the
record in due time.

———————————

[1] We use the word Appellant to refer to "applicant" as defined in 37 C.F.R.
§ 1.42(a). Appellant identifies the real party in interest as Dropbox Inc.
Appeal Br. 2.

We REVERSE.

CLAIMED SUBJECT MATTER

Claim 1 is illustrative of the claimed subject matter (emphasis and bracketed material added):

1. A computer-implemented method comprising:

[A.] receiving, at a synchronized content management system, a request from a device to access the synchronized content management system via a web browser running on the device;

[B.] identifying a client-side application installed on the device, the client-side application having *a local host server installed on the device* run by the client-side application, wherein the client-side application is associated with the synchronized content management system;

[C.] determining that the client-side application is logged into a user account with the synchronized content management system;

[D.] sending an indication to the web browser that causes the web browser to open a local host connection with *the local host server* run by the client-side application, wherein the web browser automatically accesses user account identifying information for the user account from the client-side application through the local host connection; and

[E.] causing the web browser to log into the user account by using the user account identifying information.

REFERENCES[2]

The prior art relied upon by the Examiner is:

Name	Reference	Date
Wendt	US 2012/0260321 A1	Oct. 11, 2012
Mocanu	US 2013/0227668 A1	Aug. 29, 2013

REJECTIONS

The Examiner rejects claims 1–3, 6–8, 12–15, and 17–20 under 35 U.S.C. § 103 as being unpatentable over the combination of Wendt and Mocanu. Final Act. 3–12. We select claim 1 as the representative claim for this rejection. The contentions discussed herein as to claim 1 are determinative as to this rejection.

The Examiner rejects claims 5 and 11 under 35 U.S.C. § 103 as being unpatentable over various combinations of Wendt, Mocanu, and numerous other references. Final Act. 12–15. The contentions discussed herein as to claim 1 are determinative as to these rejections.

Therefore, except for our ultimate decision, we do not address claims 2, 3, 5–8, 10–15, and 17–20 further herein.

OPINION

We have reviewed the Examiner's rejections in light of Appellant's arguments that the Examiner has erred. Appellant's contentions we discuss

---

[2] All citations herein to the references are by reference to the first named inventor/author only.

are determinative as to the rejections on appeal. Therefore, Appellant's other contentions are not discussed in detail herein.

A.

The Examiner determines:

> Wendt . . . does not expressly teach a local host server installed on the device run by the client-side application. . . .

> Mocanu teaches the client-side application having a local host server [element.410 in fig.4] installed on the device [element.405 in fig.4] run by the client-side application (Fig.4 and Para: 0064-0065 teaches client-side security service 460 for authentication the user credentials)[.]

Final Act. 4–5.

B.

Appellant contends that the Examiner erred in rejecting claim 1 under 35 U.S.C. § 103 because:

> Mocanu does not disclose a local host server. Element 410 is identified as Trusted Computing Base [TCB] with element 460 identified as Security Service, a component of Trusted Computing Base 410. Mocanu merely discloses a Trusted Computing Base which would not be understood by a person of skill in the art to correspond to a local host server. . . .

> A TCB is neither a server nor a local host server. Mocanu never refers to the TCB as a server; rather the Office Action makes this unsupported conclusion. Mocanu, however, does disclose a **server** and that remote server also includes a Trusted Computing Base (TCB). The prior art, therefore, confirms that a server is different and distinct from a Trusted Computing Base (TCB)[.]

Appeal Br. 8.

C.

The Examiner responds:

> [T]he term local host sever [sic] is not clearly explained in the specification of the original disclosure. As such using the broadest reasonable interpretation the secondary reference Mocanu in figure.4 shows a **client-side security service component 460 inside the trusted computing base 410, of the client device 405, performs the function of the local host server**.

Ans. 3 (additional emphasis added).

D.

As articulated by the Federal Circuit, the Examiner's burden of proving non-patentability is by a preponderance of the evidence. *See In re Caveney*, 761 F.2d 671, 674 (Fed. Cir. 1985) ("preponderance of the evidence is the standard that must be met by the PTO in making rejections"). "A rejection based on section 103 clearly must rest on a factual basis[.]" *In re Warner*, 379 F.2d 1011, 1017 (CCPA 1967). "The Patent Office has the initial duty of supplying the factual basis for its rejection. It may not . . . resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in its factual basis." *Id.* We conclude the Examiner's analysis fails to meet this standard because the rejections do not adequately explain the Examiner's findings of fact.

Particularly, we agree with Appellant that the language of claim 1 requires the client-side application to have "a local host server installed on the device run by the client-side application," and we disagree with the Examiner's reasoning that Mocanu merely performing the claimed functions alone without more is sufficient to show such a local host server.

5

One skilled in the art would understand a "server" to be: [3]

A computer that manages centralized data storage or network communications resources. A server provides and organizes access to these resources for other computers linked to it.

Further, one skilled in the art would understand a "host" to be: [4]

A computer containing data or programs that another computer can access by means of a network or modem.

We find nothing in the Examiner's reasoning that arguably shows the Mocanu reference describes a "host server" as that term would be understood by a skilled artisan. We conclude, consistent with Appellant's arguments, that there is insufficient articulated reasoning to support the Examiner's finding that Mocanu teaches, "a local host processor," as required by claim 1.

Therefore, we conclude that there is insufficient articulated reasoning to support the Examiner's final conclusion that claim 1 would have been obvious to one of ordinary skill in the art at the time of Appellant's invention.

CONCLUSION

The Appellant has demonstrated the Examiner erred in rejecting claims 1–3, 5–8, 10–15, and 17–20 as being unpatentable under 35 U.S.C. § 103.

---

[3] The American Heritage® Science Dictionary; Copyright © 2011. Published By Houghton Mifflin Harcourt Publishing Company. (Dictionary.com accessed Jan. 9, 2020).

[4] *Id.*

The Examiner's rejections of claims 1–3, 5–8, 10–15, and 17–20 as being unpatentable under 35 U.S.C. § 103 are **reversed**.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1–3, 5–8, 10–15, 17–20	103	Wendt, Mocanu		1–3, 5–8, 10–15, 17–20

REVERSED

7