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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/081,674	03/25/2016	Thomas Ewe	116099-003CT1	7177

27189 7590 01/24/2019

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ART UNIT	PAPER NUMBER
2447	

NOTIFICATION DATE	DELIVERY MODE
01/24/2019	ELECTRONIC

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte THOMAS EWE

Appeal 2018-005454
Application 15/081,674
Technology Center 2400

Before ALLEN R. MacDONALD, ROBERT E. NAPPI, and KALYAN K. DESHPANDE, *Administrative Patent Judges*.

MacDONALD, *Administrative Patent Judge*.

DECISION ON APPEAL[1]

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from a final rejection of claims 2–7 and 9–16. Appellant has cancelled claims 1, 8, and 16. App. Br. 12–14. We have jurisdiction under 35 U.S.C. § 6(b). We AFFIRM.

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[1] Appellant indicates the real party in interest is SYNACTIVE, INC. App. Br. 2.

Illustrative Claim

Illustrative claims 2 and 6 under appeal read as follows (emphasis, formatting, and bracketed material added):

2. A computer-implemented method for providing an event-trapping mechanism in a dynamic execution environment, the method comprising, by at least one hardware processor:

[A.] creating one or more execution blocks from a function stored in a script, wherein each of the one or more execution blocks is associated with a sequence of screen events of a user interface;

[B.] storing the one or more execution blocks as handlers; and

[C.] executing at least one handler independently from the one or more handlers, when an associated sequence of screen events for the handler ***is detected in network traffic***;

[D.] wherein the network traffic is traffic between a client and a server such that the dynamic execution environment is an intermediary apparatus between the client and the server configured to monitor the network traffic.

6. The method of claim 2, wherein the script contains ***goto statements*** for moving between the one or more handlers.

References[2]

Liang et al.	US 2008/0072239 A1	March 20, 2008
Neil et al.	US 2011/0113364 A1	May 12, 2011

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

Rejection[3]

The Examiner rejected claims 2–7 and 9–16 under 35 U.S.C. § 103 as being unpatentable over the combination of Neil and Liang. Final Act. 2–6.

For this rejection, Appellant presents arguments for claims 2, 10, and 16 together. App. Br. 5–9. We select claim 2 as representative. Also, Appellant presents arguments for claims 6 and 14 together. App. Br. 9. We select claim 6 as representative. Further, Appellant argues claims 3–5, 7–9, and 11–15 by reference to the arguments for respective independent claims. App. Br. 9. Appellant does not present separate arguments for claims 3–5, 7, and 9–16. Except for our ultimate decision, we do not address claims 3–5, 7, and 9–16 further herein.

Issues on Appeal

Did the Examiner err in rejecting claims 2 and 6 as being obvious?

ANALYSIS[4]

We have reviewed the Examiner's rejections in light of Appellant's arguments that the Examiner has erred. We disagree with Appellant. We concur with the conclusions reached by the Examiner. We highlight the following points.

[3] All citations herein to the "Final Action" are to a Final Action mailed on March 23, 2017.

[4] All Manual of Patent Examining Procedure (MPEP) citations herein are to MPEP Rev. 08.2017, January 2018.

A. Claim 2

Appellant raises the following arguments in contending that the Examiner erred in rejecting claim 2 under 35 U.S.C. § 103(a).

> Neil is directed specifically to solving the problem of navigation on a display of a client device by utilizing event handlers to trap inputs made to the client device so that focus control can be provided onto the display based on particular elements on the screen of the device . . . . Appellant notes that as described in Neil, such implementations are local to the client device as described in paragraph [0025] of Neil.
>
> . . .
>
> Appellant notes that the Examiner's proposed modification ***changes the principle of operation of Neil***, from handlers configured to trap input made locally to a client device for the purposes of providing focus and navigation on a display of a client device, to being implemented in an intermediary apparatus between the client and the server and configured to trap network traffic between the client and server.

App. Br. 6–7 (emphasis added).

> Appellant notes that the Examiner's proposed modification . . . ***renders the primary reference inoperable for its intended purpose*** for providing focus and navigation for a display of a local client device.

App. Br. 7 (emphasis added).

> Appellant notes that per the Examiner's proposed modification, detecting such events from network traffic between the client and the server would not be as efficient for capturing user interface events as conducting the event handling on local inputs to the client device as unmodified in Neil.
>
> Even if, *in arguendo*, the Examiner wishes to modify Neil to have the event handler remain on the client device while providing the decision making based on detection of the event to an intermediate device, Appellant notes such an implementation would still suffer from lag due to the communications between the intermediate device and the client device, thereby being less

> efficient in capturing user events as described in Neil. As the purpose of Neil is directed to providing focus and navigation control locally on a client device, Appellant notes that ***there is no implementation involving an intermediate device that would accomplish the capture of user events for the purposes described in Neil as efficiently as having the implementations all be local to the client device as described in Neil.***

App. Br. 9 (emphasis added).

Essentially, Appellant argues that a person of ordinary skill would only extend the local traffic processing of Neil to a client-server network traffic by eliminating the beneficial local traffic processing of Neil. We are not persuaded by Appellant's argument. We do not agree with Appellant that an artisan would needlessly move local traffic to the client-server network. In *KSR*, the Court explained that "[a] person of ordinary skill is also a person of ordinary creativity, not an automaton." 550 U.S. 398, 421 (2007). We agree with the Examiner that Liang teaches monitoring network traffic to efficiently capture user interface events. Final Act. 3–4. We further agree with the Examiner that it would have been obvious to apply the local traffic processing of Neil to such network traffic. "[I]f a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill." *KSR*, 550 U.S. at 417.

B. Claim 6

Appellant raises the following argument in contending that the Examiner erred in rejecting claim 6 under 35 U.S.C. § 103(a).

> Appellant notes that there is no disclosure in Neil regarding goto statements for moving between the one or more handlers. The Examiner cites paragraphs [0133] to [0136] of Neil as allegedly

> disclosing the claim feature, however, the paragraphs that were cited fail to disclose or suggest the aforementioned claim feature. Further, both the cited references of Neil and Liang are silent with respect to the aforementioned claim feature.

App. Br. 9.

We are not persuaded by Appellant's argument. An artisan would understand that a "goto statement" is "the high-level equivalent of a branch or jump instruction" (Microsoft Press Computer Dictionary 1991), and Neil recites that "the focus jumps." Neil [136].

CONCLUSIONS

(1) The Examiner has not erred in rejecting claims 2–7 and 9–16 as being unpatentable under 35 U.S.C. § 103(a).

(2) Claims 2–7 and 9–16 are not patentable.

DECISION

The Examiner's rejection of claims 2–7 and 9–16 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED