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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Ex parte WILLIAM DEWEESE and ERICH STUNTEBECK

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Appeal 2018-006197
Application 15/220,331
Technology Center 2400

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Before JEAN R. HOMERE, MICHAEL J. STRAUSS, and
JOHN R. KENNY, *Administrative Patent Judges.*

HOMERE, *Administrative Patent Judge.*

DECISION ON APPEAL

I.   STATEMENT OF THE CASE[1]

Pursuant to 35 U.S.C. § 134(a), Appellant appeals from the
Examiner's decision to reject claims 1–20.[2] Claims App. We have
jurisdiction under 35 U.S.C. § 6(b).

We affirm.

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[1] We refer to the Specification, filed July 26, 2016 ("Spec."); the Final
Office Action, mailed June 22, 2017 ("Final Act."); the Appeal Brief, filed
November 27, 2017 ("Appeal Br."); the Examiner's Answer, mailed March
22, 2018 ("Ans."); and the Reply Brief, filed May 22, 2018 ("Reply Br.").

[2] We use the word "Appellant" to refer to "[A]pplicant" as defined in
37 C.F.R. § 1.42(a). Appellant identifies Airwatch LLC as the real party-in-
interest. Appeal Br. 2.

II.   CLAIMED SUBJECT MATTER

According to Appellant, the claimed subject matter relates to network environment (100) utilizing secondary device (108) as a key for authorizing access to resources at enterprise server (103). Spec. ¶¶ 18–24, Fig. 1.

Claims 1, 7, and 14 are independent. Claim 1, reproduced below with disputed limitation emphasized in *italics*, is illustrative of the claimed subject matter:

1. A method, comprising:

causing a resource to be encrypted to create an encrypted version of the resource, the encrypted version of the resource being configured to be inaccessible by a primary client device, the encrypted version of the resource being configured to be decrypted using an authorization credential to create an unencrypted version of the resource, and the unencrypted version of the resource being configured to be accessible by the primary client device;

causing the encrypted version of the resource to be provided to the primary client device over a network from an enterprise server;

determining that the primary client device is authorized to access the unencrypted version of the resource based at least in part on a first distribution rule, the first distribution rule being associated with the primary client device;

determining that a secondary client device is authorized to provide the primary client device with the unencrypted version of the resource based at least in part on a second distribution rule, the second distribution rule being associated with the secondary client device; and

causing the authorization credential to be provided over a network from an enterprise server to the secondary client device, wherein the secondary client device is in communication with the enterprise server over the network.

Appeal Br. 11 (Claims App.)

Figure 1, discussed above and reproduced below, is useful for understanding the claimed invention:
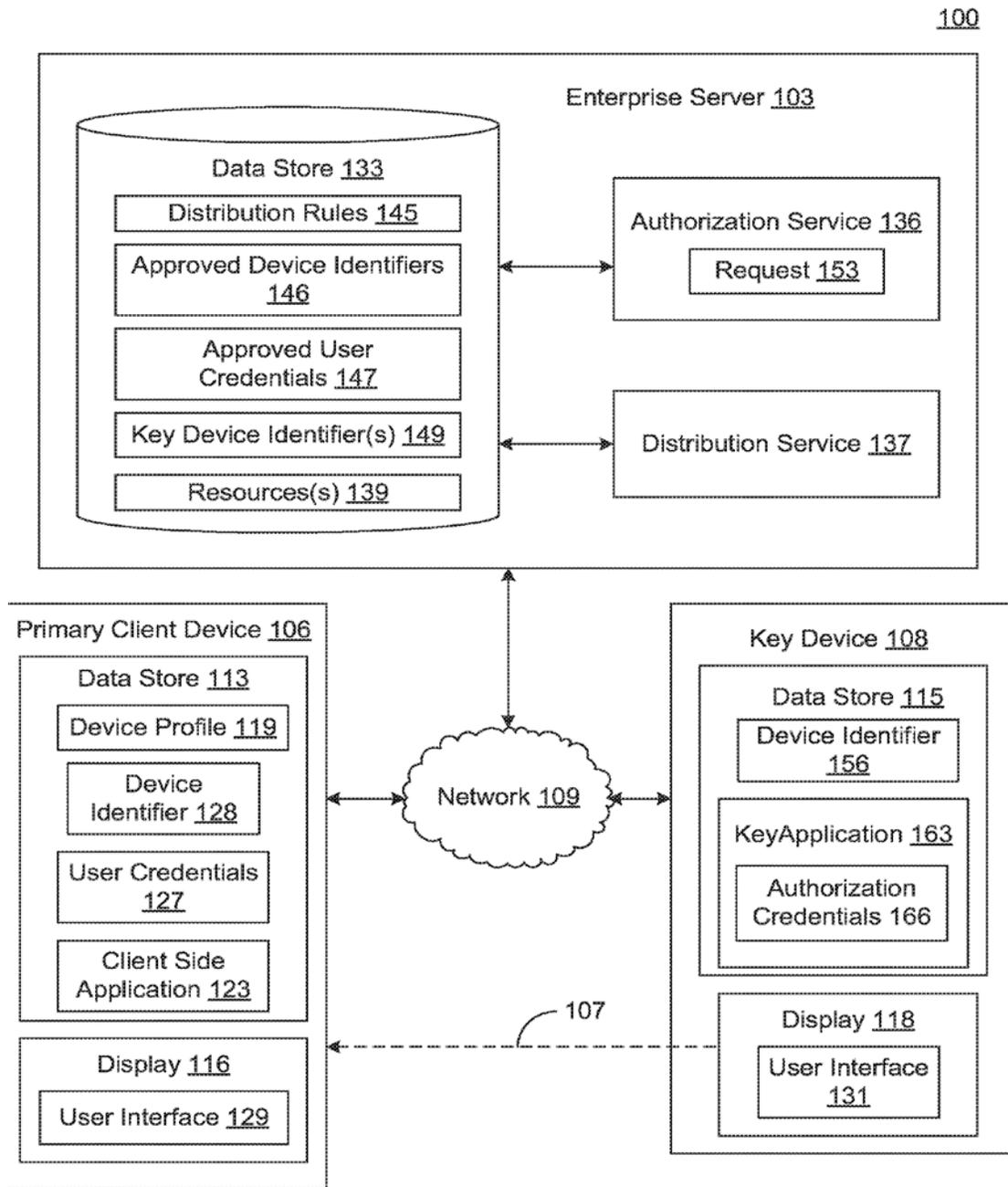

FIG. 1

Figure 1 illustrates enterprise network (109) with a secondary device (108) functioning as a key device. *Id.* ¶ 19.

III.   REFERENCES

The Examiner relies upon the following references.[3]

Name	Number	Filed	Publ'd/Issued
Ondet	US 2005/0097327 A1	Aug. 26, 2004	May 5, 2005
Dykeman	US 2013/0174223 A1	Dec. 30, 2011	July 4, 2013

IV.   REJECTIONS

The Examiner rejects the claims as follows:

1. Claims 1–4 and 7–20 are rejected under 35 U.S.C. § 102 as being anticipated by Ondet. Final Act. 4–6.

2. Claims 5 and 6 are rejected under 35 U.S.C. § 103 as unpatentable over the combined teachings of Ondet and Dykeman. *Id.* at 6–7.

V.   ANALYSIS

1. Anticipation Rejection

Appellant argues that the Examiner erred in finding that Ondet describes "the secondary client device is in communication with the enterprise server over the network," as recited in independent claim 1. Appeal Br. 6. In particular, Appellant argues that Ondet discloses a network device (ND) including a communication interface (30) to communicate with a network (1) via a communications link (2), whereas its application device (AD) lacks the communication interface to communicate with the trusted server. *Id.* at 7–8 (citing Ondet ¶¶ 27, 31, Figs. 1, 2).

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[3] All reference citations are to the first named inventor only.

Appellant's argument is not persuasive of reversible Examiner error. As depicted in Figure 1 of Ondet below, AD communicates with the network (1) via the ND, which uses the communication interface (30) (not depicted in Figure 1).
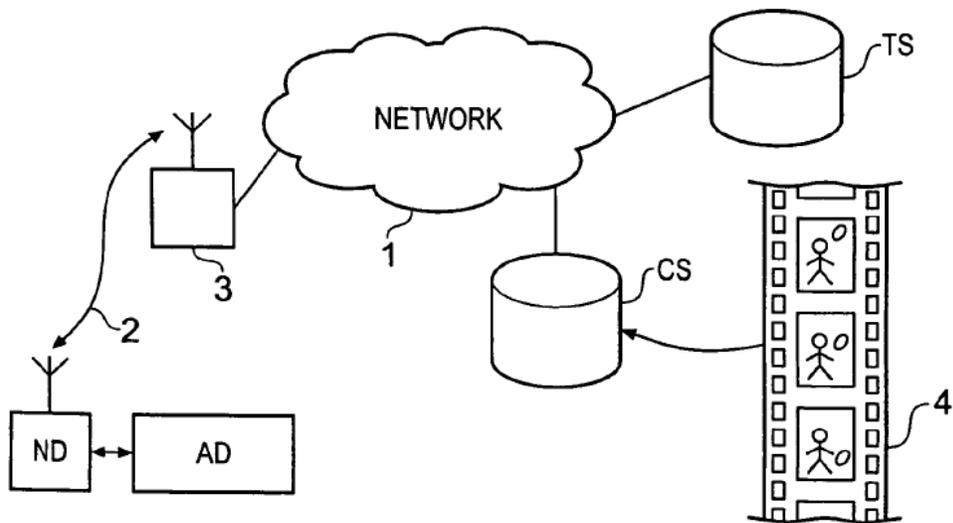

Fig. 1

Figure 1 illustrates a network for distributing data to application device (AD). Ondet ¶ 27.

In particular, Ondet provides the content server (CS) that may distribute content to AD. *Id.* Although AD does not communicate *directly* with the CS over the network, we note the disputed claim limitation does not require a direct communication between the secondary client device and the enterprise server over network. To meet the disputed limitation, it suffices that the secondary client device communicate (directly or indirectly) with the server over the network. Because Ondet's AD communicates with the

CS over the network, we are not persuaded of reversible error in the Examiner's anticipation rejection of claim 1.

Regarding the rejection of claims 2–4, and 7–20, because Appellant has either not presented separate patentability arguments or has reiterated substantially the same arguments as those previously discussed for patentability of claim 1 above; claims 2–4 and 7–20 fall with claim 1. *See* 37 C.F.R. § 41.37(c)(1)(iv) (2017).

2. *Obviousness Rejection*

Regarding dependent claims 5 and 6, Appellant reiterates that Ondet does not teach that AD communicates with the server over the network. Appeal Br. 9. As discussed above, this argument is not persuasive. Consequently, we are not persuaded of reversible error in the Examiner's obviousness rejection of claims 5 and 6.

VI.   CONCLUSION

We affirm the Examiner's anticipation rejection of claims 1–4, and 7–20 under 35 U.S.C. § 102.

We affirm the Examiner's obviousness rejection of claims 5 and 6 under 35 U.S.C. § 103.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1–4, 7–20	102	Ondet	1–4, 7–20	
5, 6	103	Ondet, Dykeman	5, 6	
Overall Outcome			1–20	

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

AFFIRMED