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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MEHMET BALASAYGUN, SANDY ABRAMSON,
and TIBOR LUKAC

Appeal 2019-000081
Application 14/154,412
Technology Center 2400

Before ELENI MANTIS MERCADER, NORMAN H. BEAMER,
and GARTH D. BAER, *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 1–12. We have jurisdiction over the pending rejected claims under 35 U.S.C. § 6(b).

We AFFIRM.

¹ We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42. Appellant identifies the real party in interest as Avaya Inc. (Appeal Br. 2.)

THE INVENTION

Appellant's disclosed and claimed invention is directed to creation of a SIP (Session Initiation Protocol) session between a controlling endpoint and a controlled endpoint. (Abstract.)

Independent claims 1, 6, and 7, reproduced below, are illustrative of the subject matter on appeal:

1. A method for establishing a session initiation protocol shared control channel between a first endpoint associated with a user and a plurality of second endpoints associated with the user, said method comprising:
 - providing a label and shared control support information corresponding to each of said plurality of second endpoints in a Contact header of a REGISTER message to a session initiation protocol registrar, wherein the shared control support information indicates whether the corresponding endpoint of the plurality of second endpoints supports a SIP based shared control mechanism for controlling said corresponding endpoint by said first endpoint;
 - saving each of said labels and shared control support information in association with a registered contact address of said second endpoint;
 - via said first endpoint, reading each of said labels and shared control support information from a registration event NOTIFY message; and
 - creating a shared control session and presenting said labels of said plurality of second endpoints to said user enabling said user to select one of said plurality of endpoints for the first endpoint to control over the shared control session.

6. A method for establishing a session initiation protocol shared control channel between a first endpoint associated with a user and a plurality of second endpoints associated with the user, said method comprising:
 - sending a shared control INVITE request with a Request-URI set to an address of record of a user, said shared control INVITE request comprising an indication of a desired SIP

based shared control protocol for said first endpoint to control one of said plurality of second endpoints over a shared control session;

by a proxy server, receiving said shared control INVITE request;

by said proxy server, determining a list of registered contacts associated with said address of record;

by said proxy server, selecting from said list one or more of said contacts that support indicated SIP based shared control shared control protocol; and

by said proxy server, forking said shared control INVITE request to said selected contacts.

7. A method for establishing a session initiation protocol (SIP) shared control channel between a controlling application running on a device associated with a user and an endpoint, said endpoint comprising one of a plurality of controllable devices associated with the user, said method comprising:

at said controlling application, receiving a session initiation protocol registration event notification from a registrar as a result of a registration event subscription done by at least one of the plurality of controllable devices;

at said controlling application, detecting which of one or more registered controllable devices are compatible for a shared control session, wherein a controllable device is compatible if the controllable device supports a SIP based shared control mechanism for controlling said controllable device by said controlling application;

sending a separate INVITE request for each controllable device that is deemed compatible; and

at said endpoint, enabling control by the user.

REJECTIONS

The Examiner rejected claims 1–4 under 35 U.S.C. § 103 as being unpatentable over Ramsayer et al. (US 6,985,961 B1, iss. Jan. 10, 2006) (hereinafter “Ramsayer”) and Rosenberg et al, “Indicating User Agent

Capabilities in the Session Initiation Protocol (SIP),” RFC 3840 (August, 2004) (hereinafter “Rosenberg”), and Acharya et al. (US 2006/0026288 A1, pub. Feb. 2, 2006) (hereinafter “Acharya”). (Final Act. 6.)

The Examiner rejected claim 5 under 35 U.S.C. § 103 as being unpatentable over Ramsayer, Rosenberg, Acharya, and Allen et al. (US 2009/0190577 A1, pub. July 30, 2009) (hereinafter “Allen”). (Final Act. 13.)

The Examiner rejected claim 6 under 35 U.S.C. § 103 as being unpatentable over Ramsayer, Smith et al. (US 2012/0233327 A1, pub. Sept. 13, 2012) (hereinafter “Smith”), and Lee et al. (US 2013/0097265 A1, pub. Apr. 18, 2013) (hereinafter “Lee”). (Final Act. 14.)

The Examiner rejected claims 7 and 9 under 35 U.S.C. § 103 as being unpatentable over Ramsayer, Rao et al. (US 7,467,210 B1, iss. Dec. 16, 2008) (hereinafter “Rao”), and Lee. (Final Act. 18.)

The Examiner rejected claim 8 under 35 U.S.C. § 103 as being unpatentable over Ramsayer, Rao, Lee, and Acharya. (Final Act. 23.)

The Examiner rejected claims 10 and 11 under 35 U.S.C. § 103 as being unpatentable over Acharya and Allen. (Final Act. 24.)

The Examiner rejected claim 12 under 35 U.S.C. § 103 as being unpatentable over Acharya, Allen, Smith, and Rosenberg et al., “SIP: Session Initiation Protocol,” RFC 3261 (June, 2002) (hereinafter “Rosenberg 2”). (Final Act. 27.)

ISSUES ON APPEAL

Appellant's arguments in the Appeal Brief present the following issues:²

Issue One: Whether the Examiner erred in finding the combination of Ramsayer, Rosenberg, and Acharya teaches or suggests

creating a shared control session and presenting said labels of said plurality of second endpoints to said user enabling said user to select one of said plurality of endpoints for the first endpoint to control over the shared control session,

as recited in independent claim 1, and the commensurate limitation recited in independent claim 10. (Appeal Br. 7–8, 11; *see also* Reply Br. 2–3.)

Issue Two: Whether the Examiner erred in finding the combination of Ramsayer, Smith, and Lee teaches or suggests

sending a shared control INVITE request with a Request-URI set to an address of record of a user, said shared control INVITE request comprising an indication of a desired SIP based shared control protocol for said first endpoint to control one of said plurality of second endpoints over a shared control session,

as recited in independent claim 6. (Appeal Br. 8–9; *see also* Reply Br. 3.)

Issue Three: Whether the Examiner erred in finding the combination of Ramsayer, Rao, and Lee teaches or suggests “wherein a controllable device is compatible if the controllable device supports a SIP based shared

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

control mechanism for controlling said controllable device by said controlling application,” as recited in independent claim 7. (Appeal Br. 9–10; *see also* Reply Br. 4.)

ANALYSIS

We have reviewed the Examiner’s rejections in light of Appellant’s arguments that the Examiner errs. We disagree with Appellant’s arguments, and we adopt as our own: (1) the pertinent findings and reasons set forth by the Examiner in the Action from which this appeal is taken (Final Act. 2–29); and (2) the corresponding reasons set forth by the Examiner in the Examiner’s Answer in response to Appellant’s Appeal Brief. (Ans. 2–8.) We concur with the applicable conclusions reached by the Examiner and emphasize the following.

First Issue

In finding that the combination of Ramsayer, Rosenberg, and Acharya teaches or suggests the independent claim 1 limitation at issue, the Examiner relies on Acharya’s disclosure of a portable control device using SIP to control a media exchange session, in which the portable device maintains control of the media exchange session so that modifications can be made to the session. (Final Act. 2–3, 10–11; Ans. 3–4; *see also* Acharya Abstract, Fig. 1, ¶¶ 27, 66, 5, 62–63, 67, 79.)

Appellant argues that

Acharya never discloses that the portable device 30 controls the office phone in any way to initiate the call between the office phone and the other user or to transfer the call from the office phone. Instead, Acharya generically teaches that portable device 30 initiates the call between the office phone and the other user and “facilitates” the transfer of the call between endpoints (see Acharya, ¶ 0066). Acharya

never asserts that any endpoint controls another endpoint to perform any of the recited actions.

(Reply Br. 2.)

We are not persuaded by Appellant’s arguments. The Examiner finds, and we agree, that Acharya teaches

the portable device 30 [i.e. first end point] can initially establish a voice call between the initiating user’s office phone [i.e. second endpoint] and the phone of another user [i.e. using the portable device 30, user may control his/her [office] phone to initiate a voice call with another user]

(Ans. 3, citing Acharya ¶ 66), and that

[d]uring the voice call, if the initiating user needs to travel to an appointment outside of the office, the initiating user’s office phone [i.e. second endpoint] connection is transferred to the initiating user’s cellular phone [i.e. another second endpoint], in order for the call to avoid termination [i.e. using the portable device 30, the user now (i) controls the office phone to stop the existing call (ii) selects the cellular phone to continue the existing call, and (iii) controls the cellular phone to resume the existing call].

(Ans. 3–4, citing Acharya ¶ 66.)

The Examiner broadly and reasonably construes the “shared control session” of independent claim 1 to cover Acharya’s use of a portable device to transfer a connection so as to avoid termination. While the disclosure asserts that

[t]hose skilled in the art will understand the application of SIP shared control session establishment in embodiments of this invention. Further, those skilled in the art will understand how a SIP shared control session is established

(Spec. ¶ 10), Appellant points to nothing in the disclosure that explains or defines what constitutes a “shared control session.” Appellant’s arguments are not commensurate with the scope of the claim.

Accordingly, we affirm the Examiner’s rejection of independent claim 1, and dependent claims 2–5 not argued separately, as well as independent claim 10 and dependent claims 11 and 12 not argued separately with particularity. (*See* Appeal Br. 7–8, 11.)

Second Issue

In finding that the combination of Ramsayer, Smith, and Lee teaches or suggests the independent claim 6 limitation at issue, the Examiner relies on Ramsayer’s disclosure of a composite user agent acting on behalf of a group of member agents, in which the composite agent invites a preferred member agent having a video device necessary to be added to a session. (Final Act. 14–15; Ans. 5–6; *see also* Ramsayer Abstract, Figs. 1, 3, 5; 1:55–64, 2:8–16, 5:18–47, 7:61–66, 8:15–20, 5:1–8, 7:10–20, 11:57–61, 5:1–8, 8:35–67, 12:60–13:20.)

Appellant argues that in Ramsayer,

[m]essages exchanged in accordance with the SIP protocol to ensure media exchanged between two devices is exchanged in accordance with the capabilities of the two devices ***do not provide one device with control over the other.*** While it would be beneficial for the devices to use media capabilities supported by both devices, the devices are under no obligation to do so.

(Reply Br. 3, emphasis in original.)

We are not persuaded by Appellant’s arguments. The Examiner finds, and we agree, that in Ramsayer, “[an] SIP session is shared among the participating devices thus it is a shared control session,” and that

in order to add video to the session, the composite user agent 20A may send [an] INVITE message to the member user agent 18B' associated with the video device 36 [i.e. second endpoint]. Accordingly, the member user agent 18B' [i.e. second endpoint] will be allowed to join the session. In other words, the composite user agent 20A [i.e. first endpoint] specifically selects and controls the member user agent 18B' associated with the video device 36 [i.e. second endpoint] to join the session based on the video capability associated with the video device 36 [i.e. second endpoint].

(Ans. 6, citing Ramsayer Fig. 5, 12:60–13:20.) The Examiner broadly and reasonably construes the “shared control session” of independent claim 6 to cover Ramsayer’s ability to allow a member user agent associated with a video device to join a session. Appellant’s arguments are not commensurate with the scope of the claim.

Accordingly, we affirm the Examiner’s rejection of independent claim 6.

Third Issue

In finding that the combination of Ramsayer, Rao, and Lee teaches or suggests the independent claim 7 limitation at issue, the Examiner relies on Lee’s disclosure of a Converted IP Messaging (“CPM”) service using an SIP based session that allows for an implementation of an instant messaging service, permitting messaging from a first user (“User A”) client, first passing through User A’s home network, then passing through a second user’s (“User B”) home network, and finally to User B’s client. (Final Act. 21–22; Ans. 6–7; *see also* Lee Fig. 3; ¶¶ 5, 42–86, 97.)

Appellant argues that

a server in Lee merely determines that a terminal is compatible with Converted IP Messaging (CPM), and the server sends that terminal a request to join the session The terminal being

CPM compatible is not the same as supporting a SIP based shared control mechanism. Also, the terminal is not controlled by the server to reply to the request but, instead, must reply to the request on its own accord.

(Reply Br. 4.)

We are not persuaded by Appellant's arguments. The Examiner finds, and we agree, that in Lee

[b]ased on the acquired information [e.g. whether CPM has been set enabled and/or the version is supported], [t]he CPM PF server-B [i.e. controlling application] determines whether or not any of the registered terminals [i.e. controllable device] is appropriate for receiving the request. Then, based on the determination, the CPM PF server-B 810B [i.e. controlling application] may forward the request to the appropriate registered terminal [i.e. controllable device] in order to permit the registered terminal to further participate in messaging session [i.e. registered terminal's participation in messaging session is controlled by the CPM PF server-B 810B based on the registered terminal's compatibility with the session].

(Ans. 7, citing Lee Fig. 3, ¶¶ 78, 80, 82–86, 97.) The Examiner broadly and reasonably construes the “shared control session” of independent claim 7 to cover Lee's ability to allow a registered terminal to participate in a messaging session. Appellant's argument is not commensurate with the scope of the claim.

Accordingly, we affirm the Examiner's rejection of independent claim 7, and dependent claims 8 and 9 not argued separately with particularity.

(See Appeal Br. 9–11.)

CONCLUSION

For the reasons stated above, we affirm the obviousness rejections of claims 1–12.

DECISION SUMMARY

In summary:

| Claims Rejected | 35 U.S.C. § | Reference(s)/Basis | Affirmed | Reversed |
|------------------------|--------------------|-------------------------------------|-----------------|-----------------|
| 1–4 | 103 | Ramsayer, Rosenberg, Acharya | 1–4 | |
| 5 | 103 | Ramsayer, Rosenberg, Acharya, Allen | 5 | |
| 6 | 103 | Ramsayer, Smith, Lee | 6 | |
| 7, 9 | 103 | Ramsayer, Rao, Lee | 7, 9 | |
| 8 | 103 | Ramsayer, Rao, Lee, Acharya | 8 | |
| 10, 11 | 103 | Acharya, Allen | 10, 11 | |
| 12 | 103 | Acharya, Allen, Smith, Rosenberg 2 | 12 | |
| Overall Outcome | | | 1–12 | |

TIME PERIOD FOR RESPONSE

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