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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte TREVOR FIATAL

Appeal 2019-000687
Application 15/231,713¹
Technology Center 2400

Before MARC S. HOFF, KRISTEN L. DROESCH, and
SCOTT B. HOWARD, *Administrative Patent Judges*.

HOFF, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from a final rejection of claims 1–6 and 16–29.² We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

Appellant's invention is a system for providing mobile device services with web-based access to data objects. Spec. ¶ 2. A mobile device sends authentication information to a relay server, which executes a connection application to establish a communication to a web access server. The relay

¹ Appellant states the real party in interest is Seven Networks, LLC. App. Br. 2.

² Claims 7–15 have been cancelled.

server than transmits the authentication information to the web access server associated with a data store hosting a data object. Once the web access server authenticates the user, the data object is provided from the data store to the relay server, which then provides the data store to the mobile device. Spec. ¶ 17.

Claim 1 is exemplary of the claims on appeal:

1. A method of providing a mobile device with access to email data, the method comprising:
 - hosting the email data on a data storage server;
 - providing, by a web access server that is communicatively coupled to the data storage server, remote access to the email data;
 - providing, by a relay server, identifying information of a user of the mobile device to the web access server for authenticating the user and establishing a connection between the mobile device and the data storage server;
 - passing, by the relay server, the email data between the mobile device and the data storage server, such that the relay server does not store the email data; and
 - enabling, by an email access application executable on the mobile device, access to the email data on the data storage server, the email data being accessed through the relay server.

The Examiner relies upon the following prior art in rejecting the claims on appeal:

Onyon	US 2005/0038863 A1	Feb. 17, 2005
Ivanov	US 2005/0257057 A1	Nov. 17, 2005
Backholm	US 2007/0019610 A1	Jan. 25, 2007
Shim '415	US 2008/0244415 A1	Oct. 2, 2008
Shim '487	WO 2007/058487	May 24, 2007

Claims 1–4, 16, 18–22, 25, and 27–29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shim ’415 and Ivanov.

Claims 5, 6, 23, and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shim ’415, Ivanov, and Backholm.

Claims 17 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shim ’415, Ivanov, and Onyon.

Throughout this decision, we make reference to the Appeal Brief (“App. Br.,” filed May 29, 2018), the Reply Brief (“Reply Br.,” filed Oct. 26, 2018), and the Examiner’s Answer (“Ans.,” mailed Aug. 27, 2018) for their respective details.

ISSUE

Appellant’s arguments present us with the following issue:

Does the combination of Shim ’415 and Ivanov teach or suggest providing, by a relay server, identifying information of a user of the mobile device to the web access server for authenticating the user and establishing a connection between the mobile device and the data storage server?

ANALYSIS

CLAIMS 1–4, 16, 18–22, 25, and 27–29

Independent method claim 1 recites “providing, by a relay server, identifying information of a user of the mobile device to the web access server for authenticating the user and *establishing a connection between the mobile device and the data storage server*” (emphasis added). Independent claim 19 recites a relay server, and independent claim 28 recites a system for

providing a mobile device with access to email data, including analogous limitations.

The Examiner finds that control server 20 of Shim corresponds to the claimed relay server. Ans. 4. In the Examiner's Answer, the Examiner now further finds that "Shim ['415]'s control server [20] works as both the web access server and relay server." Ans. 9. (As Appellant observes, this finding contradicts the Examiner's contemporaneous finding that Shim '415 "does not explicitly teach the web access server." Reply Br. 2; Ans. 4.)

Notwithstanding these findings, the Examiner subsequently finds that Shim '415 teaches the recited "establishing a connection between the mobile device and the data storage server" in that Shim '415 teaches "when the remote computer is not available, allowing the mobile device to directly gain access to the mail server . . . and receive a mail, or allowing the mobile device to gain access to the control server and receive a mail, which is received and stored by the control server that gains access to the mail server." Ans. 4; Shim '415 ¶ 19.

This interpretation of Shim '415 by the Examiner is inconsistent with the Examiner's reading of claim elements onto systems in the reference. As mentioned, the Examiner equates control server 20 of Shim '415 with the claimed relay server. Ans. 3. For the control server 20 of Shim '415 to receive email data, it must communicate with remote computer 10, which then communicates with mail server 40 (which the Examiner equates with the claimed data storage server). Shim '415 Fig. 3. If, under the Examiner's reading, "remote computer [10] is not available," control server 20 of Shim '415 (the "relay server" claimed) cannot establish a connection such that mail server 40 can be contacted. To the extent that the Examiner is relying

on the embodiment illustrated in Figure 4 of Shim '415, we agree with Appellant that this embodiment does not include control server 20, which the Examiner equates to the “relay server” required by the claims.

We find that Shim '415 does not teach the claim limitation concerning a relay server establishing a connection between the mobile device and the data storage server. We thus conclude that the Examiner erred in rejecting claims 1–4, 16, 18–22, 25, and 27–29 over Shim '415 and Ivanov. We do not sustain the § 103(a) rejection.

CLAIMS 5, 6, 17, 23, 24, AND 26

Claims 5, 6, and 17 depend from claim 1. Claims 23, 24, and 26 depend from claim 19.

We do not sustain the rejection of claims 1 and 19, *supra*. We have reviewed Backholm and Onyon and we find that they do not remedy the deficiencies of Shim and Ivanov, described *supra*. Accordingly, we do not sustain the § 103(a) rejection of claims 5, 6, 23, and 24 over Shim '415, Ivanov, and Backholm, and we do not sustain the § 103(a) rejection of claims 17 and 26 over Shim '415, Ivanov, and Onyon, for the reasons expressed *supra* with respect to independent claims 1 and 19.

CONCLUSION

The combination of Shim '415 and Ivanov does not teach or suggest providing, by a relay server, identifying information of a user of the mobile device to the web access server for authenticating the user and establishing a connection between the mobile device and the data storage server.

ORDER

The Examiner’s decision to reject claims 1–6 and 16–29 is reversed.

REVERSED