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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte DAVID ALESSANDRO PENRY LLOYD and
CHRISTOPHER MORGAN MAYERS

Appeal 2019-003476
Application 14/695,980
Technology Center 2400

Before ELENI MANTIS MERCADER, MATTHEW J. McNEILL,
and SCOTT E. BAIN, *Administrative Patent Judges*.

McNEILL, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1–21, which are all the claims pending in this application.¹ We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

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 CITRIX SYSTEMS, INC. Appeal Br. 3.

STATEMENT OF THE CASE

Introduction

Appellant's application relates to communications between a client device and a service, and in particular to communications involving an intermediary device. Spec. ¶¶ 12–13. Claims 1 and 21 illustrate the appealed subject matter and read as follows:

1. An appliance, comprising:
 - a memory storing a set of instructions; and
 - one or more processors configured to execute the set of instructions to cause the appliance to:
 - acquire a first handshake message from a client device, wherein the first handshake message is intended for a service;
 - provide a second handshake message for the client device, wherein the second handshake message includes a first certificate referring to the appliance;
 - acquire, from the client device, a second certificate indicating a first function of a connection and a second function of the connection subsequent to when the client device determines that the appliance is authorized to assist with providing a secure connection between the client device and the service based on results of the client device's examination of the first certificate; and
 - determine, based on the second function, an action associated with providing the service with the second certificate indicating the first function.
21. A client device, comprising:
 - a memory storing a set of instructions; and
 - one or more processors configured to execute the set of instructions to cause the client device to:
 - provide a handshake message intended for a service;
 - acquire a first certificate;

perform an examination of the first certificate;

if the examination indicates that the first certificate was provided by the service, provide a second certificate indicating a first function of the connection to the service; and

if the examination indicates that the first certificate was provided by an appliance other than the service, provide a third certificate indicating the first function of a connection and a second function of the connection to the appliance, wherein the second function is configured to cause the appliance to perform an action associated with providing the third certificate to the service.

The Examiner's Rejections

Claims 1–20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Yerra (US 2014/0095865 A1; Apr. 3, 2014) and Upp (US 8,584,214 B2; Nov. 12, 2013). Final Act. 3–7.

Claim 21 stands rejected under 35 U.S.C. § 103 as being unpatentable over Yerra, Upp, and Schneider (US 8,769,291 B2; July 1, 2014). Final Act. 7–8.

ANALYSIS

Claims 1–20

The Examiner finds the combination of Yerra and Upp teaches or suggests:

one or more processors configured to execute the set of instructions to cause the appliance to: . . . acquire, from the client device, a second certificate indicating a first function of a connection and a second function of the connection subsequent to when the client device determines that the appliance is authorized to assist with providing a secure connection between the client device and the service based on results of the client device's examination of the first certificate.

Appeal 2019-003476
Application 14/695,980

See Final Act. 3–4. In particular, the Examiner finds Upp teaches a client device, which the Examiner maps to the claimed “appliance,” that receives a certificate from an AAA server, which the Examiner maps to the claimed “client device.” *See* Ans. 12. The Examiner finds Upp teaches determining that the certificate is absent from the device certificate trust list (CTL), which the Examiner maps to the claimed “first function.” *See id.* The Examiner finds Upp teaches the client device may receive a CTL update, which the Examiner maps to the claimed “second function.” *See id.*

Appellant argues the Examiner erred because Yerra and Upp do not teach or suggest the claimed “acquire . . . a second certificate” step. *See* Appeal Br. 12–14; Reply Br. 3–4. In particular, Appellant argues the Examiner errs by interpreting Upp’s client device as an “appliance” and Upp’s AAA server as a “client,” which Appellant contends is contrary to the plain meaning of these terms. *See* Reply Br. 3–4. Appellant argues Upp teaches an initial message with a certificate. *Id.* at 4 (citing Upp Figs. 5–8). If the certificate is not trusted, the CTL list is updated to include that certificate. *Id.* at 4. Appellant argues Upp is silent regarding a second certificate, and in particular a second certificate

indicating a first function of a connection and a second function of the connection subsequent to when the device determines that the appliance is authorized to assist with providing a secure connection between the client device and the service based on results of the client device’s examination of the first certificate.

Id. at 4.

Appellant has persuaded us of Examiner error. The Examiner fails to explain how Upp teaches a second certificate as claimed. Upp teaches the client device receives a certificate and attempts to verify that the certificate is listed in the CTL. Upp 5:15–19. If the certificate is not listed in the CTL,

the client device may request a CTL update. *Id.* at 5:23–25. The Examiner finds this update is the claimed “second function,” but fails to explain how this update is “a second function of the connection subsequent to” the client device determination that is “based on results of the client device’s examination of the first certificate.” *See* Ans. 12. In other words, the Examiner does not identify any determination based on a different certificate that could be deemed the “first certificate” as required by the claim.

For these reasons, the Examiner has failed to sufficiently establish that Yerra and Upp, alone or in combination, teach or suggest the “acquire, from the client device, a second certificate” limitation.² We, therefore, do not sustain the Examiner’s obviousness rejection of independent claim 1. We also do not sustain the obviousness rejection of independent claims 8 and 15, which recite commensurate subject matter. We also do not sustain the obviousness rejection of dependent claims 2–7, 9–14, and 16–20.

Claim 21

Claim 21 stands rejected as unpatentable over the combination of Yerra, Upp, and Schneider. The Examiner finds the combination of Yerra and Upp teaches or suggests all of the limitations except for the limitation “provide a third certificate indicating the first function of a connection and a second function of the connection to the appliance, wherein the second function is configured to cause the appliance to perform an action associated with providing the third certificate to the service.” *See* Final Act. 8. The Examiner finds Schneider teaches this limitation. *See id.*

² Because we agree with at least one of the dispositive arguments advanced by Appellant, we need not reach the merits of Appellant’s other arguments.

Appellant argues the Examiner erred in rejecting claim 21 because the combination of Yerra, Upp, and Schneider fails to teach “if the examination indicates that the first certificate was provided by the service, provide a second certificate indicating a first function of the connection to the service.” *See* Appeal Br. 14.

Appellant has persuaded us of Examiner error. The Examiner states claim 21 is rejected “under the same reason set forth in [the] rejection of claim 1 by Yerra and Upp.” Final Act. 8. However, the Examiner fails to explain how Yerra and Upp teach the “second certificate” limitation of claim 21, which is not substantially identical to the corresponding limitation in claim 1. To the extent the Examiner’s findings regarding Yerra and Upp teaching the “second certificate” limitation in claim 1 apply to the “second certificate” limitation in claim 21, we are persuaded of Examiner error for the reasons set forth with respect to claim 1. The Examiner does not find Schneider cures this deficiency. *See id.* Accordingly, we do not sustain the obviousness rejections of claim 21.

SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1–20	103	Yerra, Upp		1–20
21	103	Yerra, Upp, Schneider		21
Overall Outcome				1–21

REVERSED