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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JACOB A. SHIPON

Appeal 2015-008128
Application 13/560,232[1]
Technology Center 3600

Before, JOSEPH A. FISCHETTI, BRUCE T. WIEDER, and SHEILA F. MCSHANE, *Administrative Patent Judges.*

FISCHETTI, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant seeks our review under 35 U.S.C. § 134 of the Examiner's final rejection of claims 112–123. We have jurisdiction under 35 U.S.C. § 6(b).

SUMMARY OF DECISION

We REVERSE.

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[1] Appellant identifies the inventor, Jacob A. Shipon, as the real party in interest. Br. 1.

THE INVENTION

Appellant claims a "method and system for teleconferencing to permit a service provider to provide a service to a user at a remote location." Spec. 1:14–15.

Claim 112 reproduced below, is representative of the subject matter on appeal.

> 112. A supervision network system for efficiently handling requests from multiple end users across multiple industries, the supervision network system being implemented on a private enterprise intranet over a high-speed network that includes fiber optic and wireless segments, and the supervision network system comprising:
>
> (I) a managed, authentication module comprising (i) an authentication server, (ii) a directory server, and (iii) an application server, wherein the authentication module is configured to:
>
> authenticate, using the authentication server, end users, including at least (i) supervisor end users, (ii) supervisee end users, and (iii) data-providing end users, through a certificate authority process in which the authentication server provides a public key and a private key to each end user, wherein the authentication server has a non-routable, private intranet IP address that is identifiable through a National Address Translation framework, and
>
> in response to receiving single sign-on requests that are initiated from wireless and wired devices belonging to end users:
>
> identify, using the directory server, data, from among at least five independent channels of data, to which each end user has rights to access, and
>
> with the application server, provide access to the identified data, wherein the single sign-on requests are received through a single firewall, and wherein the directory server has a non-routable, private intranet IP address that is identifiable through the National Address Translation framework;

(II) a managed, machine module comprising a Java-enabled machine that is configured to communicate with multiple different systems, wherein the machine module is configured to:

receive data from authenticated users,

separate the data from the authenticated users into the at least five independent, managed data channels, including:

(i) a first data channel of audio or video data,

(ii) a second data channel of record data,

(iii) a third data channel of real-time diagnostic data,

(iv) a fourth data channel of treatment data, and

(v) a fifth data channel of administrative data,

standardize, in XML, the received data that is not already in XML, and

provide the received data associated with the data channel that is already (i) separated into the at least five independent data channels, and (ii) in XML, to a respective intelligent router that is associated with each data channel to be routed to a respective switch associated with the data channel;

(III) a managed, control central database module comprising (i) central application programmatic interfaces, (ii) a central server, (iii) a central database, and (iv) a redundant backup database, wherein the control central database module is configured to:

receive, by the central application programmatic interfaces and from the switches that are associated with the data channels, the data that is (i) separated into the at least five independent data channels, and (ii) in XML, and

store, by a central server that is associated with the central application programmatic interfaces, the data in chronological order and synchronized to the end users, both (i) in the central database and (ii) in the redundant backup database, wherein the central server has a respective non-routable, private intranet IP address that is identifiable through the National Address Translation framework;

(IV) a network management module comprising (i) Simple Network Management Protocol (SNMP) agents and (ii) an analytics module for generating alerts and guidelines based on real-time diagnostic data indicating an abnormal condition,

wherein the analytics module comprises an online analytical processing server, a data mining server, or a neural network server with forward chaining, wherein the network management module is for managing the supervision network system, including the authentication module, the machine module, the control central database module, the analytics module, and the at least first through fifth independent data channels, and wherein the network management module is configured to:

in response to receiving one or more inputs from one or more administrator users that are monitoring the supervision network system to eliminate network problems, using statistical information exposed by the SNMP agents:

adjust a respective right of each end user to access the data of the at least first through fifth independent data channels,

filter the received data that is separated into the at least five independent data channels; and

(V) a supervision graphical user interface module that is configured to output a visual representation of data that each end user has rights to access, in a respective, pre-designated user interface region that is reserved for each of the at least five independent data channels, wherein the alerts, the guidelines, and any output of the analytics module are output in the user interface region that is reserved for the fifth data channel of administrative data.

THE REJECTION

The Examiner relies upon the following as evidence of unpatentability:

David	US 5,441,047	Aug. 15, 1995
Cooper	US 2002/0029350 A1	Mar. 7, 2002
Anagol-Subbarao	US 2004/0221001 A1	Nov. 4, 2004
Schmidt	US 2005/0073964 A1	Apr. 7, 2005

The following rejections are before us for review.

Claims 112, 114–116, 118–120, 122, and 123 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cooper, David, Frank J. Derfler, *How Networks Work*, (6th ed.) (hereinafter "Derfler"), and Anagol-Subbarao.

Claims 113, 117, and 121 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cooper, David, Derfler, Anagol-Subbarao, and Schmidt.

Claims 112–123 are rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement.

Claims 112–123 are rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter.

FINDINGS OF FACT

1. 35 U.S.C. § 112 Rejection—The Examiner found that the claims [112-123] contain subject matter which was not described in the Specification. (Answer at 7–9.)

2. 35 U.S.C. § 101 Rejection—The Examiner found:

> The claims [112-123] do not recite limitations that are "significantly more" than the abstract idea because the claims do not recite an improvement to another technology or technical field, an improvement to the functioning of the computer itself, or meaningful limitations beyond generally linking the use of an abstract idea to a particular technological environment.

(*Id.* at 5).

ANALYSIS

35 U.S.C. § 103 REJECTION

Each of independent claims 112, 116, and 120, recites, in pertinent part:

in response to receiving single sign-on requests that are initiated from wireless and wired devices belonging to end users:

identifying, using the directory server, data, from among at least five independent channels of data, to which each end user has rights to access, and

with the application server, providing access to the identified data, wherein the single sign-on requests are received through a single firewall, and wherein the directory server has a non-routable, private intranet IP address that is identifiable through the National Address Translation framework;

The Examiner found that Cooper discloses this limitation (hereinafter referred to as the "subject limitation") at "[0037][0041][0221]-[0227][0296]-[0299]." (Final 9.)

Appellant however argues that,

> Specifically, while the cited passages generally describe the steps taken to establish an "exemplary session," and particularly to the initiation of a "new consultation" between a "user" and a "consultant," the Appellant submits that nothing in these passages requires that requests be "initiated from wireless **and** wired devices," or that the identification of data, from among at least five independent channels of data, occur "in response to single sign-on requests," as recited by independent claim 112. See Cooper, ¶ **[0222], [0224]**.

(Appeal Br. 28).

We agree with Appellant.

Referring to the portions of Cooper which were cited to by the Examiner, we find Cooper deficient because:

paragraph 37 only generally discloses a VPN within a system configuration having an exemplary list of servers, including a source server, a firewall server, a web server, an archive server, an e-mail server, and a certificate server;

paragraph 41 only generally discloses a firewall of "standard software and hardware technology notoriously well known in the art";

paragraphs 221–227, only generally disclose an exemplary session of connecting a user with a consultant, but nothing is disclosed or made apparent as to how this session example meets in whole or in part the subject claim limitation;

paragraphs 296–299 only disclose the use of a Public Email Terminal (PET) wherein the users are authorized by a NAP server, but nothing is disclosed or made apparent as to how the use of a PET meets in whole or in part the subject claim limitation.

Accordingly, we agree with the Appellant that the Examiner has failed to establish a prima facie case of obviousness given that the record does not show how Cooper meets at least the subject claim limitation shown in our analysis above.

Since claims 113–115, 117–119, and 121–123 depend from claims 112, 116, and 120 and because we cannot sustain the rejection of claims 112, 116, and 120, the rejection of claims 113–115, 117–119, and 121–123 likewise cannot be sustained.

35 U.S.C. § 101 REJECTION

We will not sustain the rejection of claims 112–123 under 35 U.S.C. § 101.

We disagree with the Examiner that these claims are patent ineligible.

The Examiner found, *inter alia*, that such ineligibility exists because the claims are drawn to "(i) mere instructions to implement the idea on a computer, and/or (ii) recitation of generic computer structure that serves to perform generic computer functions that are well understood, routine, and conventional activities previously known to the industry." (Final Act. 3.)

We disagree with the Examiner.

The Supreme Court

> set forth a framework for distinguishing patents that claim laws of nature, natural phenomena, and abstract ideas from those that claim patent-eligible applications of those concepts. First, [] determine whether the claims at issue are directed to one of those patent-ineligible concepts. [] If so, we then ask, "[w]hat else is there in the claims before us? [] To answer that question, [] consider the elements of each claim both individually and "as an ordered combination" to determine whether the additional elements "transform the nature of the claim" into a patent-eligible application. [The Court] described step two of this analysis as a search for an "'inventive concept'"—i.e., an element or combination of elements that is "sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself."

Alice Corp., Pty. Ltd. v CLS Bank Intl, 134 S.Ct. 2347, 2355 (2014) (citing *Mayo Collaborative Services v. Prometheus Laboratories, Inc.*, 132 S.Ct. 1289 (2012)).

To perform this test, we must first determine whether the claims at issue are directed to a patent-ineligible concept.

We find that the claims themselves and the Specification provide enough information to inform one as to what they are directed to, which, in this case, are articles of manufacture.

That is, we find that the claims are directed to a computer system and methods of using same, and not an abstract idea. We find that the claims are inextricable tied to very specific system articles of manufacture/devices recited in the claims, for example: a Java-enabled machine that is configured to communicate with multiple different systems; at least five independent, managed data channels, and, a managed, control central database module comprising (i) central application programmatic interfaces, (ii) a central server, (iii) a central database, and (iv) a redundant backup database.

We further disagree with the Examiner's finding (FF. 2), and instead find that the computer network system elements are so inextricably tied together by the claim language to perform the given task of efficiently handling requests from multiple end users across multiple industries, that an improvement to another technology or technical field, is clearly manifest. Here, an improvement to computer system technology is manifest, and not an abstract idea. Thus, we find that the claims cover more than a generic computer. "[T]he relevant question is whether the claims here do more than simply instruct the practitioner to implement the abstract idea [] on a generic computer." *Alice Corp. Pty. Ltd.,* 134 S.Ct. at 2359. In this case they do.

35 U.S.C. § 112 REJECTION

We will not affirm the rejection of claims 112–123 under 35 U.S.C. § 112, first paragraph because we disagree with the Examiner's findings for making the rejection. (FF. 1).

Instead, we agree with the Appellant for the reasons Appellant has presented on pages 17 and 18 of the Appeal Brief citing to page and line numbers in the Specification, showing as to why the claimed subject matter under which this rejection was made was described in the specification with sufficient written description to convey with reasonable clarity to those skilled in the art that, as of the filing date sought, applicant was in possession of the invention as now claimed. *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1563–64 (Fed. Cir. 1991).

CONCLUSIONS OF LAW

We conclude the Examiner did err in rejecting claims 112–123 under 35 U.S.C. § 103.

We conclude the Examiner did err in rejecting claims 112–123 under 35 U.S.C. § 112.

We conclude the Examiner did err in rejecting claims 112–123 under 35 U.S.C. § 101.

DECISION

The decision of the Examiner to reject claims 112–123 is reversed.

REVERSED