

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ALEXANDER GIBSON FRASER and GLENFORD E. MAPP

Appeal No. 2003-0483
Application No. 09/375,429

ON BRIEF

Before KRASS, FLEMING and RUGGIERO, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-20.

The invention is directed to network systems. In particular, an addressing scheme is disclosed whereby every global-valid address, such as an IP address, contains device identity in a first field and device location information in a second field.

The scheme allows for dynamic correction of location information. Since the device

identity in the instant invention is globally-unique, no two devices may have the same identity wherever they are located, whether or not they are on the same or different networks in different parts of the world and a mobile node address can be unambiguously addressed even if its location changes.

Representative independent claim 1 is reproduced as follows:

1. A method for providing a network service, including:
 - receiving a packet that includes device identification information that is distinct from location address information;
 - processing the packet; and
 - forwarding the packet to a location address.

The examiner relies on the following references:

Barton et al. [Barton]	4,307,446	Dec. 22, 1981
Gervais et al. [Gervais]	5,856,974	Jan. 05, 1999 (filed Feb. 13, 1996)

Claims 1-3, 6-8, 11-13 and 16-18 stand rejected under 35 U.S.C. § 102 (b) as anticipated by Gervais.¹

Claims 4, 5, 9, 10, 14, 15, 19 and 20 stand rejected under 35 U.S.C. § 103 as unpatentable over Gervais in view of Barton.

¹ Since the patent date of Gervais is less than one year prior to the filing date of the instant application, it would appear the more proper ground of rejection would have been under 35 U.S.C. § 102(a).

Reference is made to the briefs and answer for the respective positions of appellants and the examiner.

OPINION

With regard to the rejection under 35 U.S.C. § 102, it is the examiner's position that Gervais anticipates the claimed invention because of its disclosure of device identification information (net) that is distinct from location address (id) information. In particular, the examiner points to Figures 6 and 7 and column 3, lines 8-13, column 4, line 54 to column 5, line 16 and column 7, lines 32-42 of Gervais for a teaching of a network number which indicates the device identification or local area network that includes a particular node, wherein the node id indicates the different node address (net:id).

Appellants argue that Gervais does not teach the receipt of a packet that includes device identification information that is distinct from location address information, as claimed. In particular, appellants point out that a full node address 412 in Gervais is composed of a globally unique portion 602 and a local assignable portion 604 which, taken together, are sufficient to identify and locate a node address, but neither one of these alone is sufficient either to identify the node address or to locate the node address. Further, since the node address is only "unique" within the domain,

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this means that two node addresses may have the exact same node address provided they are located in different domains. Appellants contrast this teaching by Gervais with the instant invention which requires the device identity to be globally unique so that no two devices may have the same identity no matter where they are located.

We agree with the examiner and will sustain the rejection of claims 1-3, 6-8, 11-13 and 16-18 under 35 U.S.C. § 102.

While we understand the differences between the instant *disclosed* invention and that which is disclosed by Gervais, the instant invention, *as claimed*, is, in our view, much broader than envisioned by appellants.

Since Gervais discloses the receipt of a packet and adds a network layer header, the network layer address referring to a network number and a node address, the examiner has reasonably concluded that Gervais discloses the receiving of a packet that includes identification information that is distinct from location address information. The network number constitutes identification information and the node address constitutes location address information and these two pieces of information are distinct from each other.

Appellants argue that this is not a fair interpretation because Gervais discloses the receipt of a packet (column 7, line 5) and *then* a network layer header is added, whereas the instant claims require that the packet received already includes the device identification information that is distinct from location address information.

The particular interpretation is dependent on what is considered a receipt of the packet. In Gervais, while a packet, without the device identification and location information, is received at the network layer, at line 5 of column 7 of Gervais, it may just as well be considered that the point of “receipt” may be established at the point after the network header, including the device identification and location information, is added. At that point, this *new* packet, with the header information, is processed and forwarded to the location address, meeting the claim limitations.

Similarly, with regard to claim 2, while this claim recites a “globally unique device identifier,” the device identifier of Gervais may be considered to be “globally unique” in the sense that only one device is being identified.

Since the examiner appears to have established a prima facie case of anticipation which has not been convincingly argued by appellants, we will sustain the rejection of claims 1-3, 6-8, 11-13 and 16-18 under 35 U.S.C. § 102.

With regard to claims 4, 5, 9, 10, 14, 15, 19 and 20, the examiner contends that Gervais does not explicitly show the process of anonymizing the device identification information and anonymizing the location address included in the received packet but relies on Barton for the teaching of anonymizing identification and address information of devices in a communication network system. The examiner concludes that it would have been obvious to modify Gervais in view of Barton because it was “old and well known . . . to use the process of anonymizing identification and address information of devices in a communication network” and this would “permit convenient expansion of the network as suggested by Barton” [answer-page 6].

We will not sustain the rejection of claims 4, 5, 9, 10, 14, 15, 19 and 20 under 35 U.S.C. § 103 because, while Barton may disclose keeping network addresses anonymous (column 2, line 58), we fail to find any suggestion therein of the claimed “anonymizing the device identification information” and “anonymizing the location address.” Moreover, even if we accept, from Barton, that it was known to anonymize network addresses, this still falls far short of any suggestion that it would have been obvious to combine this teaching in any manner with Gervais in order to achieve anonymizing the device identification information and/or the location address included in a packet including this information, processing the packet and then forwarding the packet with this anonymized information to a location address.

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While we do not say that a case could not be made for the obviousness of anonymizing the device identification information and the location address, we merely conclude that the examiner has not done so in this case.

Since we have sustained the rejection of claims 1-3, 6-8, 11-13 and 16-18 under 35 U.S.C. § 102 but we have not sustained the rejection of claims 4, 5, 9, 10, 14, 15, 19 and 20 under 35 U.S.C. § 103, the examiner's decision is affirmed-in-part.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED-IN-PART

ERROL A. KRASS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
MICHAEL R. FLEMING)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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JOSEPH F. RUGGIERO)	
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