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 RAYMOND V. CALVESIO
and JOHN A. OLSON

Appeal No. 2004-0960
Application No. 09/750,394

ON BRIEF

Before OWENS, DIXON and GROSS, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

This appeal is from the final rejection of claims 1-20, which are all of the claims in the application.

THE INVENTION

The appellants claim a system and method for maintaining access control to high security zones. Claim 1, which claims the

system, is illustrative:

> 1. A system for maintaining access control to a plurality of high security zones by at least one controlled door and in the vicinity of said at least one door, and by at least one local decision-making computer for controlling access to said at least one door, a one of said at least one doors and a one of said at least one decision-making computers being associated with each of said plurality of high security zones, all within a high security facility system, said system for maintaining access control comprising;
>
> a. an enrollment authority which may be in at least one secure facility, for obtaining and maintaining on a secure computer system biometric data files for each individual who may be allowed access to any said high security zone within said high security facility system,
>
> b. a direct tentative identifier device associated with a one of said doors and an associated one of said decision-making computers, for reading an ID token of a presenting individual and for sending an ID code related to said ID token to said associated one of said decision-making computers,
>
> c. a biometric reader associated with said one of said doors and said associated one of said decision-making computers, for reading a live biometric from said presenting individual, said biometric reader being connected to said associated decision-making computer so as to enable the comparing of live biometric data read from said presenting individual with biometric data maintained on said secure computer system,
>
> d. a secure communication path for secure communication of biometric data from said local decision-making computer providing control over said door to said secure computer system of said enrollment authority,

> e. a scheduler for maintaining a schedule for each individual allowed access to any of said high-security zones within said high security facility system having a secure line for communication to said local decision-making computer, said scheduler providing an indication of whether said presenting individual that is presenting for a live biometric reading is permitted access to a door associated with a high-security zone associated with said door.

THE REFERENCES

Silverman et al. (Silverman)	4,213,038	Jul. 15, 1980
Verslycken	4,652,862	Mar. 24, 1987
Mauch	4,760,393	Jul. 26, 1988
Piosenka et al. (Piosenka)	4,993,068	Feb. 12, 1991
Wiik et al. (Wiik)	5,260,551	Nov. 9, 1993
Bergholz et al. (Bergholz)	5,812,067	Sep. 22, 1998

THE REJECTIONS

The claims stand rejected as follows: claims 1-5, 7, 8, 10, 11 and 13-15 under 35 U.S.C. § 102(b) as anticipated by Piosenka; claims 6 and 9 under 35 U.S.C. § 103 as obvious over Piosenka in view of Mauch; claims 12 and 17-19 under 35 U.S.C. § 103 as obvious over Piosenka in view of Bergholz or Silverman; claim 16 under 35 U.S.C. § 103 as obvious over Piosenka in view of Wiik; and claim 20 under 35 U.S.C. § 103 as obvious over Piosenka in view of Bergholz, Silverman, and Verslycken.

OPINION

We reverse the aforementioned rejections. We need to

address only the independent claims, i.e., claims 1, 13 and 17.

Claims 1 and 13

Claim 1 requires a direct tentative identifier device for reading an ID token of a presenting individual and for sending an ID code related to the ID token to a decision-making computer, and a biometric reader connected to the decision-making computer to enable comparing live biometric data read from the presenting individual with biometric data maintained on a secure computer system. Claim 13 requires a door control computer for deciding whether an individual's live biometric reading is a match to a biometric data file which can be related to the individual and is maintained on a computer system in an enrollment authority.

Piosenka teaches that systems were known for sending biometric data obtained at remote access points to a central repository for comparison to previously stored biometric data (col. 1, line 55 - col. 2, line 9). Such systems are disadvantageous, Piosenka teaches, in that they require maintaining an online large database and communicating with the remote sites for each access, which is very expensive and involves intolerable access delays during periods of peak transactions, and suffer service outages if the central site or

the communications medium fails (col. 2, lines 28-33). Piosenka avoids those disadvantages by storing a person's biometric data on a portable memory device such as an ID card rather than storing it in a central repository (col. 2, lines 63-66; col. 6, lines 40-48; col. 10, lines 12-27). Thus, unlike the system in the appellants' claims 1 and 13 which compares live biometric data to biometric data maintained on a computer system, Piosenka's system compares live biometric data to biometric data stored on the person's portable memory device such as an ID card.

The examiner argues that each of Piosenka's remote access points "includes a biometric reader which reads biometric information and compares it with the biometric data files maintained on the secure computer, see col. 6, lines 49+" (answer, page 4). The relied-upon portion of Piosenka discloses that a person's biometric and other information can be sent from a trusted computer to a remote site where the information is set on a hard memory medium which serves as the person's identification credential. That portion does not disclose that biometric data from the biometric data reader is compared to biometric data maintained on a computer system.

We therefore find that the examiner has not carried the burden of establishing a *prima facie* case of anticipation of the

system claimed in the appellants' claim 1 or claim 13. Accordingly, we reverse the rejection of claim 1 and its dependent claims 2-5, 7, 8, 10 and 11, and claim 13 and its dependent claims 14 and 15. As for claims 6, 9 and 12 which depend directly or indirectly from claim 1, and claim 16 that depends indirectly from claim 13, and are rejected under 35 U.S.C. § 103, the examiner does not explain why the direct tentative identifier device and the biometric reader required by claim 1, or the door control computer required by claim 13, would have been fairly suggested to one of ordinary skill in the art by the applied prior art. Hence, we reverse the rejection of claims 6, 9, 12 and 16.

Claim 17

Claim 17 requires producing, by use of a tentative identifier device, a present ID code signal that tentatively identifies an individual, and comparing the individual's live biometric data to archived biometric data related to an archived ID code signal that matches the present ID code signal.

The examiner has not provided an explanation as to how the applied prior art would have fairly suggested that claim requirement to one of ordinary skill in the art. The examiner,

therefore, has not carried the burden of establishing a *prima facie* case of obviousness of the method claimed in claim 17 or its dependent claims 18-20. Accordingly, we reverse the rejection of those claims.

DECISION

The rejections of claims 1-5, 7, 8, 10, 11 and 13-15 under 35 U.S.C. § 102(b) over Piosenka, claims 6 and 9 under 35 U.S.C. § 103 over Piosenka in view of Mauch, claims 12 and 17-19 under 35 U.S.C. § 103 over Piosenka in view of Bergholz or Silverman, claim 16 under 35 U.S.C. § 103 over Piosenka in view of Wiik, and claim 20 under 35 U.S.C. § 103 over Piosenka in view of Bergholz, Silverman, and Verslycken, are reversed.

REVERSED

TERRY J. OWENS Administrative Patent Judge	)	
JOSEPH L. DIXON Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
ANITA PELLMAN GROSS Administrative Patent Judge	)	

TJO/dpv

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