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

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte THOMAS JAY BILLHARTZ

Appeal No. 2006-2434
Application No. 10/197,148

ON BRIEF

Before THOMAS, HAIRSTON, and HOMERE, ***Administrative Patent Judges.***

HOMERE, ***Administrative Patent Judge.***

REMAND TO EXAMINER

This is a remand of the appeal under 35 U.S.C. § 134 from the final rejection of claims 1 through 4, 6 through 24, 26, 27, 29 through 34 and 36 through 42 in accordance with 37 CFR § 41.50(a)(1). After considering the record before us, we are convinced that the instant appeal is not ready for a meaningful review. Accordingly, we hereby remand the application to the Examiner to consider the following issue, and to take appropriate action.

BACKGROUND

Claim 1 is representative of the claimed invention and is reproduced as follows:

1. A mobile ad-hoc network comprising:
a first node for generating an authentication request, said first node having a first public key and a first private key associated therewith; and
a second node having a second public key and a second private key associated therewith;
said first node receiving a certificate of authenticity responsive to the authentication request, the certificate of authenticity being generated by a certifying authority and comprising the second public key, the certifying authority having a public authentication key and a private authentication key associated therewith and generating the certificate of authenticity using the private authentication key;
said first node decrypting the certificate of authenticity using the public authentication key and verifying that the second public key belongs to said second node based upon the decrypted certificate of authenticity;
said first node sending challenge data to said second node upon verification that the second public key belongs to said second node;
said second node encrypting the challenge data using the second private key and returning the encrypted challenge data back to said first node;
said first node decrypting the encrypted challenge data using the verified second public key and authenticating said second node if the decryption of the encrypted challenge data yields the original challenge data;
said first node sending a session key encrypted with the second public key to said second node for use with subsequent data transfers therebetween upon authenticating said second node.

Rejections at Issue

A. Claims 1 through 4, 6, 8 through 17, 19 through 24, 27, 29 through 34, 36 and 38 through 42 stand rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Cryptography and Network Security by William Stallings (Stallings) and Security Routing Analysis for Mobile Ad Hoc Networks by Dan Nguyen et al. (Nguyen).

B. Claims 7, 18, 26 and 37 stand rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Stallings, Nguyen, and Hanson (US Patent No. 6,546,425).

REASONS FOR REMAND

The Examiner's statements of the rejections of claims 1 through 4, 6 through 24, 26, 27, 29 through 34 and 36 through 42, at pages 4 and 9 of the Examiner's Answer (mailed on April 13, 2006), alleges that the claims are unpatentable over combinations of Stallings, Nguyen, and Hanson. Particularly, the Examiner relies substantially upon pages 186 through 189 of the primary reference Stallings to establish a prima facie case of obviousness against the cited claims. However, a review of the record indicates that the cited pages are not included in the

file before us. We have attempted to independently obtain those missing pages. Such attempt was not successful either. In light of the fact that the cited pages are not readily available for us to perform a meaningful review of the present issues on appeal in the instant application, we are remanding the application to the Examiner.

If the Examiner wishes to maintain the instant rejection, the Examiner must accordingly provide a supplemental Examiner's Answer in which the Examiner provides us with copies of all the pages for each reference relied upon in the rejections.

CONCLUSION

This remand to the Examiner pursuant to 37 CFR § 41.50(a)(1) is made for further consideration of a rejection. Accordingly, 37 CFR § 41.50(a)(2) applies if a supplemental Examiner's Answer is written in response to this remand by the Board.

This application, by virtue of its “special” status, requires an immediate action. See MPEP § 708.01 (8th ed., Rev. 3, August 2005). It is important that the Board be informed promptly of any action affecting the appeal in this case.

REMANDED

JAMES D. THOMAS Administrative Patent Judge	)	
KENNETH W. HAIRSTON Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
JEAN R. HOMERE Administrative Patent Judge	)	

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