The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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 MARTIN F. ROESCH and RONALD J. GULA

Appeal No. 2006-2576
Application No. 09/548,547

ON BRIEF

Before HAIRSTON, SAADAT, and HOMERE, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 14 through 19.

The disclosed invention relates to an intruder detection system in which a server coupled to a computer network simulates a plurality of client computers, and notifies a network administrator when an intruder attempts to access one of the plurality of client computers.

Claim 14 is illustrative of the claimed invention, and it reads as follows:

14. An intruder detection system comprising:

a sever coupled to a computer network, said server configured to:

simulate a plurality of client computers; and

notify a network administrator when an intruder attempts to access one of said plurality of client computers.

The references relied on by the examiner are:

Chen et al. (Chen)	5,432,932	July 11, 1995
Luciani	6,331,984	Dec. 18, 2001 (filed Aug. 21, 1998)
Huff et al. (Huff)	6,408,391	June 18, 2002 (filed May 6, 1998)
Winell	6,625,145	Sept. 23, 2003 (filed Dec. 30, 1998)
Wootton et al. (Wootton) (PCT International Application)	WO97/40610	Oct. 30, 1997

Claims 14, 15, 18 and 19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Huff.

Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Huff in view of Winell.

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Huff in view of Luciani, Wootton and Chen.

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

OPINION

We have carefully considered the entire record before us, and we will reverse the anticipation rejection of claims 14, 15, 18 and 19, and reverse the obviousness rejections of claims 16 and 17.

All of the claims on appeal require a server/processor to "simulate a plurality of client computers." Appellants argue (brief, pages 11 through 13; reply brief, pages 2 through 4) that Huff fails to teach such a limitation. We agree with appellants' arguments. The only virtual or simulated hardware in Huff is the dummy database that is set up by a remote computer to keep a suspected intruder from accessing a real database in the remote computer (column 7, lines 12 through 17; column 11, lines 34 through 38). The dummy database is located within the security operative 324 in the remote computer, and the dummy database is merely monitored by the security server 114 (column 7, lines 12 through 17). The server/processor in Huff does not "simulate" a computer. Thus, the anticipation rejection of claims 14, 15, 18 and 19 is reversed because all of the claimed limitations are not found in a single prior art reference. Bristol-Myers Squibb Co. v. Ben Venue Labs, Inc., 246 F.3d 1368, 1374, 58 USPQ2d 1508, 1512 (Fed. Cir. 2001).

The obviousness rejections of claims 16 and 17 are reversed because the teachings of Winell, Luciani, Wootton and Chen fail to cure the noted shortcoming in the teachings of Huff.

DECISION

The decision of the examiner rejecting claims 14, 15, 18 and 19 under 35 U.S.C. § 102(e) is reversed, and the decision of the examiner rejecting claims 16 and 17 under 35 U.S.C. § 103(a) is reversed.

REVERSED

KENNETH W. HAIRSTON Administrative Patent Judge	)	
MAHSHID SAADAT Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
JEAN R. HOMERE Administrative Patent Judge	)	

KWH:pgc

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