

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 MICHAEL S. PASIEKA

Appeal 2007-0594
Application 09/456,689
Technology Center 2100

Decided: March 27, 2007

Before JAMES D. THOMAS, KENNETH W. HAIRSTON, and
MAHSHID D. SAADAT, *Administrative Patent Judges*.
HAIRSTON, *Administrative Patent Judge*.

DECISION ON APPEAL
STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134 from a Final Rejection of claims 1 to 10 and 12 to 20. We have jurisdiction under 35 U.S.C. § 6(b).

Appellant has invented a method and apparatus for controlling access to information. An entity controlling access to the information maintains a contact list of other entities that have attempted to communicate with the

control entity. The contact list of other entities is used in conjunction with a revocation list that includes entities with revoked identifiers to determine which entities are authorized to communicate with the control entity.

Claim 1 is representative of the claims on appeal, and it reads as follows:

1. A method for controlling access to information, the method comprising the steps of:
 - maintaining, for a given entity controlling access to the information, a contact list comprising information identifying one or more other entities which have attempted to communicate with the given entity; and
 - utilizing the contact list in conjunction with a revocation list associated with the given entity to determine which of at least a subset of the one or more other entities are authorized to communicate with the given entity.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Gruse	US 6,389,538	May 14, 2002 (filed Oct. 22, 1998)
-------	--------------	---------------------------------------

The Examiner rejected claims 1 to 10 and 12 to 20 under 35 U.S.C. § 102(e) based upon the teachings of Gruse.

Appellant acknowledges that the Clearinghouse 105 in Gruse maintains “1. a list of all the digital certificates that have been assigned; and 2. a list of the subset of digital certificates that have been revoked” (Br. 10). Appellant contends that Gruse does not teach the use of a contact list in conjunction with a revocation list to determine which entities are authorized to communicate with a control entity (Br. 11). After consideration of the

Examiner's position, the Appellant now contends that the Clearinghouse 105 maintains a database of digital certificates that it has assigned as opposed to a database of entities that have attempted to communicate with the control entity (Reply Br. 2).

We reverse.

ISSUE

Does Gruse describe a contact list that identifies entities that have attempted to communicate with the control entity?

FINDINGS OF FACT

Appellant describes a control entity that uses a contact list and a revocation list to control access to information. The contact list comprises information identifying entities that have attempted to communicate with the control entity. The control entity uses the contact list in conjunction with the revocation list to determine which entities are authorized to communicate with the control entity.

Gruse describes a control entity (i.e., Clearinghouse 105) that uses a contact list (i.e., digital certificates granted to entities that have permission to access the Secure Digital Content Electronic Distribution System 100) in conjunction with a revocation list to determine access rights to content in Electronic Digital Content Stores 103 (Figs. 1A to 1C; col. 10, ll. 4 to 15; col. 17, ll. 11 to 24; col. 44, l. 66 to col. 45, l. 32).

PRINCIPLE OF LAW

Anticipation is established when a single prior art reference discloses expressly or under the principles of inherency each and every limitation of the claimed invention. *Atlas Powder Co. v. IRECO Inc.*, 190 F.3d 1342,

Appeal 2007-0594
Application 09/456,689

1347, 51 USPQ2d 1943, 1946 (Fed. Cir. 1999); *In re Paulsen*, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

ANALYSIS

The contact list in Gruse only identifies entities that were granted a digital certificate. The contact list in Gruse does not include entities that were unsuccessful in their attempts to get digital certificates.

CONCLUSION OF LAW

Anticipation has not been established by the Examiner because the contact list maintained by Gruse does not include entities that made an attempt to get a digital certificate, but were denied such a certificate.

DECISION

The anticipation rejection of claims 1 to 10 and 12 to 20 is reversed.

REVERSED

KIS

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P. O. BOX 3001
BRIARCLIFF MANOR, NY 10510