

The opinion in support of the decision being entered today is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MATTHEW A. HAYDUK and CHUN-XIANG HE

Appeal 2007-1842
Application 09/948,889
Technology Center 2600

Decided: July 31, 2007

Before JAMES D. THOMAS, ANITA PELLMAN GROSS, and HOWARD B. BLANKENSHIP, *Administrative Patent Judges*.

GROSS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Hayduk and He (Appellants) appeal under 35 U.S.C. § 134 from the Examiner's Final Rejection of claims 7, 9 through 14, and 16 through 25, which are all of the claims pending in this application.

Appellants' invention relates generally to the provision of security services for wireless devices. Claim 7 is illustrative of the claimed invention, and it reads as follows:

7. A wireless system comprising:

a processor; and

a storage coupled to said processor, said storage storing a separately accessible protocol stack and a security services module, said protocol stack to obtain security services from the security services module, said security services module to select from at least two available security services in response to a request for security services.

The prior art references of record relied upon by the Examiner in rejecting the appealed claims are:

Schell	US 5,933,503	Aug. 03, 1999
Sjödin	US 6,097,948	Aug. 01, 2000
Hale	US 2002/0144150 A1	Oct. 03, 2002 (filed Apr. 03, 2001)

Claims 7, 10, 13, 21, 22, and 25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hale.

Claims 11, 12, 23, and 24 stand rejected under 35 U.S.C. § 103 as being unpatentable over Hale in view of Schell.

Claims 9, 14, 16, 19, and 20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Hale in view of Sjödin.

Claims 17 and 18 stand rejected under 35 U.S.C. § 103 as being unpatentable over Hale in view of Sjödin and Schell.

We refer to the Examiner's Answer (mailed January 3, 2007) and to Appellants' Brief (filed April 4, 2006) and Reply Brief (filed February 8, 2007) for the respective arguments.

SUMMARY OF DECISION

As a consequence of our review, we will reverse the anticipation rejection of claims 7, 10, 13, 21, 22, and 25 and also the obviousness rejections of claims 9, 11, 12, 14, 16 through 20, 23, and 24.

OPINION

The Examiner asserts (Answer 4) that Hale discloses a security module (216) "select[ing] from at least two available security services (e.g., security policies, verification, and authentication services) in response to a request for security services," as recited in each of independent claims 7, 14, and 21. Appellants' sole contention (Br. 11) is that Hale discloses a single security policy which provides authentication of subjects, thereby providing access control and, thus, that Hale discloses a single security service.

Appellants do not argue the combination of Hale with Schell and/or Sjödin. They merely assert that neither cures the alleged deficiency of Hale. The issue, therefore, is whether Hale discloses a selection from at least two available security services.

The Examiner (Answer 4 and 14-15) directs our attention to paragraphs [0003-0004, 0012-0015, 0016-0018, and 0024] of Hale as providing teachings for the claimed security services module selecting from at least two available security services. The Examiner explains (Answer 14-15) that Hale discloses authenticating or verifying subjects' identities or people to access the system, granting access to objects of the system, and granting a particular subject identity access to the objects. Thus, according to the Examiner, Hale discloses plural security services.

We have reviewed Hale, paying particular attention to the portions relied upon by the Examiner, and we find no *selection* of security services. Hale discloses (abstract) that the Access Mediator "embodies the rules of a predetermined security policy," which in turn "determines which subjects can have access to which objects (data) to perform a requested operation." Hale repeats the above-noted quotations in paragraphs [0004], [0012], and [0024]. Hale further discloses (paragraphs [0013], [0018], and [0021]) that when the Access Mediator is called, the information passed to the Access Mediator includes the subject's identity, the object's identity, and the requested operation. Hale then states (paragraphs [0013], [0018], and [0021]) that the Access Mediator determines whether or not the subject can access the object to perform the requested operation. Thus, the Access Mediator provides only one service, authenticating subjects. Contrary to the Examiner's analysis, authenticating and access control in Hale are one and the same. There are not two separate security services to be selected. Accordingly, we cannot sustain the anticipation rejection of claims 7, 10, 13, 21, 22, and 25.

The Examiner did not rely upon Schell or Sjödin to satisfy the claimed selection of two or more security services, and we find nothing in either reference that would suggest this limitation. Consequently, we cannot sustain the obviousness rejections of claims 11, 12, 23, and 24 over Hale in view of Schell, of claims 9, 14, 16, 19, and 20 over Hale in view of Sjödin, and of claims 17 and 18 over Hale in view of Sjödin and Schell.

Appeal 2007-1842
Application 09/948,889

ORDER

The decision of the Examiner rejecting claims 7, 10, 13, 21, 22, and 25 under 35 U.S.C. § 102 and claims 9, 11, 12, 14, 16 through 20, 23, and 24 under 35 U.S.C. § 103(e) is reversed.

REVERSED

pgc

TROP PRUNER & HU, PC
1616 S. VOSS ROAD, SUITE 750
HOUSTON, TX 77057-2631