

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* KURT W. ROBOHM

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Appeal 2007-2663  
Application 10/097,865  
Technology Center 2100

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Decided: November 14, 2007

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Before LANCE LEONARD BARRY, ST. JOHN COURTENAY III, and  
STEPHEN C. SIU, *Administrative Patent Judges*.

SIU, *Administrative Patent Judge*.

DECISION ON APPEAL

I. STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1-30. We have jurisdiction under 35 U.S.C. § 6(b). We reverse.

#### A. INVENTION

The invention at issue involves service providers permitting users to modify attributes associated with data services. (Spec. 1). Typically, such modifications or updates might require days or weeks to take effect. (*Id.*)

In contrast, Appellant's invention provides for a mechanism in an Internet Protocol (IP) communications network in which a user may modify service attributes and the modifications are available in substantially real-time. (*Id.* 2.)

#### B. ILLUSTRATIVE CLAIM

Claim 1, which further illustrates the invention, follows.

1. A method for updating Internet Protocol (IP) communications network service attributes, comprising:

receiving at least one modification to an IP communications network service attribute from a user;

modifying a first record in a database based on the received at least one modification;

transmitting the at least one modification from the database to a redirect server associated with the IP communications network; and

updating a second record, corresponding to the first record, in the redirect server based on the at least one modification, the updated second record being available in substantially real time.

#### C. REJECTION

Claims 1-30 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application No. 6,909,708 ("Krishnaswamy").

## II. CLAIM GROUPING

“When multiple claims subject to the same ground of rejection are argued as a group by Appellant, the Board may select a single claim from the group of claims that are argued together to decide the appeal with respect to the group of claims as to the ground of rejection on the basis of the selected claim alone. Notwithstanding any other provision of this paragraph, the failure of Appellant to separately argue claims which Appellant has grouped together shall constitute a waiver of any argument that the Board must consider the patentability of any grouped claim separately.” 37 C.F.R. § 41.37(c)(1)(vii) (2006).<sup>1</sup>

Here, Appellant argues claims 1-30, which are subject to the same ground of rejection, as a group.<sup>2</sup> (App. Br. 5). Appellant further argues additional features recited in dependent claims 2, 6, 7, 14, and 18. (*Id.* 11-15 and 22-24). We select claim 1 as the sole claim on which to decide the appeal of claims 1-30.

## III. ISSUE

“Rather than reiterate the positions of parties *in toto*, we focus on the issue therebetween.” *Ex Parte Filatov*, No. 2006-1160, 2007 WL 1317144, at \*2 (BPAI 2007). Krishnaswamy discloses that the dbServers “play a central role in the protection of data” by maintaining master copies of the

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<sup>1</sup> We cite to the version of the Code of Federal Regulations in effect at the time of the Appeal Brief. The current version includes the same rules.

<sup>2</sup> Although Appellant places claims 2-30 in different headings in the Appeal Brief, Appellant relies on the same argument with respect to deficiencies in Krishnaswamy as applied against claim 1.

data, which are “synchronized in lock-step.” (Col. 40, ll. 58-63). The Examiner indicates that the dbServers of Krishnaswamy are equivalent to the “redirect server” recited in claim 1 (Ans. 3, 10-11). Appellant argues that Krishnaswamy “does not disclose transmitting at least one modification from a database to a redirect server associated with the IP communications network” (App. Br. 5-6) and further asserts that the dbServers of Krishnaswamy are not equivalent to the “redirect server” as recited in claim 1. (Reply Br. 4).

“[A]nticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim . . . .” *In re King*, 801 F.2d 1324, 1326 (Fed. Cir. 1986) (citing *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1457 (Fed. Cir. 1984)). “[A]bsence from the reference of any claimed element negates anticipation.” *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565, 1571 (Fed. Cir. 1986).

The Specification does not provide a definition of the term “redirect server.” Nor has Appellant provided extrinsic evidence indicating the understanding of the term “redirect server” by one of ordinary skill in the art at the time of the invention. We therefore interpret the term “redirect server” based on the ordinary definition of the terms “redirect” and “server”. *Chef America, Inc. v. Lamb-Weston, Inc.*, 358 F.3d 1371, 1373 (Fed. Cir. 2004) (Ordinary, simple English words whose meaning is clear and unquestionable, absent any indication that their use in a particular context changes their meaning, are construed to mean exactly what they say). Thus, a “redirect server” is construed as a computer device providing services or managing network resources (i.e., a “server”) that either receives and

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redirects requests or messages from a source to a second device or location or generates a response to a request from a first device and sends the response to a second device.

After considering the evidence before us, we find Krishnaswamy discloses the dbServer stores data but does not disclose that the dbServer redirects requests or messages or redirects responses to requests. The absence of the redirect server negates anticipation. Because Krishnaswamy does not disclose a “redirect server” as claimed in each of independent claims 1, 13, and 24, Appellant has met the burden of showing that the Examiner erred in rejecting claims 1, 13, and 24 as being anticipated by Krishnaswamy. Therefore, we reverse the anticipation rejection of independent claims 1, 13, and 24 and of claims 2-12, 14-23, and 25-30, which depend therefrom.

## VII. ORDER

In summary, the rejection of claims 1-30 under § 102(e) is reversed.

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No time for taking any action connected with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

REVERSED

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VERIZON  
Patent Management Group  
1515 N. Courthouse Road  
Suite 500  
Arlington, VA 22201-2909