

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CLARK DEBS JEFFRIES, WUCHIEH JAMES JONG,
GRAYSON WARREN RANDALL, and KEN VAN VU

Appeal 2008-0630
Application 10/127,031
Technology Center 2100

Decided: May 29, 2008

Before HOWARD B. BLANKENSHIP, ALLEN R. MACDONALD, and
STEPHEN C. SIU, *Administrative Patent Judges*.

SIU, *Administrative Patent Judge*.

DECISION ON APPEAL

I. STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-20. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

A. INVENTION

The invention at issue involves detecting denial-of-service attacks (Spec. 1). In particular, denial-of-service attacks are identified based on detecting randomness in Internet protocol (IP) source addresses (*id.*).

B. ILLUSTRATIVE CLAIM

Claim 1, which further illustrates the invention, follows:

1. A method for detecting a denial-of-service attack comprising the steps of:
 - receiving a packet of data to be forwarded to another network;
 - performing a hash function on a source address of said packet of data generating a hash value; and
 - determining a number of different hash values generated from performing said hash function on source addresses of a predetermined number of packets to be forwarded to another network, wherein if said number of different hash values is greater than or equal to a predetermined value then the method further comprises the step of:
 - determining if said predetermined number of packets is at or below a threshold, wherein if said predetermined number of packets is at or below said threshold then said denial-of-service attack is detected.

C. REJECTION

Claims 1-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,140,041 (“Jeffries”).

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).¹

Appellants argue claims 1, 6, 11, and 16 as a first group (App. Br. 5-6) and claims 2-5, 7-10, 12-15, and 17-20 as a second group (App. Br. 6). We select claim 1 as the sole claim on which to decide the appeal of the first group and claim 2 as the sole claim on which to decide the appeal of the second group.

III. CLAIMS 1, 6, 11, AND 16

Appellants agree that Jeffries discloses performing “a function on the destination address of the received IP packet to generate a hash value” (App. Br. 6). However, in Appellant’s view, “there is no language” in Jeffries “that

¹ 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.

discloses performing a hash function on a source address of a packet of data generating a hash value” (App. Br. 6) and “the passages cited by the Examiner (e.g., column 2, lines 32-56; and column 3, line 1 – column 4, line 21 of Jeffries) does not [sic] disclose any language in Jeffries which suggests determining the number of different hash values generated from performing the hash function on source addresses of a predetermined number of packets to be forwarded to another network” (Reply Br. 2-3).

Jeffries discloses a “gateway [that] may perform a hash function” (col. 2, l. 32) and further discloses that “a hash function may be performed on . . . fields of the received IP packet such as source address” (col. 2, ll. 48-50). Because Jeffries explicitly discloses that the hash function is performed on a field in a received IP packet corresponding to the source address, we disagree with Appellants’ contention that Jeffries fails to disclose performing a hash function on a source address.

It follows that Appellants have failed to demonstrate that the Examiner erred in rejecting claim 1. Therefore, we affirm the rejection of claim 1 and of claims 6, 11, and 16, which fall therewith.

IV. CLAIMS 2-5, 7-10, 12-15, AND 17-20

Appellants argue that claim 2 recites “combination of features of independent claim 1” and conclude that claim 2 is therefore “not anticipated by Jeffries for at least the reasons that claim 1 is not anticipated by Jeffries” (App. Br. 6). Because Appellants have not shown Examiner error in the

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rejection of claim 1 as set forth above, Appellants have also failed to demonstrate that the Examiner erred in rejecting claim 2.

Therefore, we affirm the rejection of claim 2 and of claims 3-5, 7-10, 12-15, and 17-20, which fall therewith.

V. ORDER

In summary, the rejection of claims 1-20 under § 102(e) is affirmed.

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

AFFIRMED

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