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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/947,801	09/06/2001	Jed Margolin		7358

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EXAMINER

PATEL, CHIRAG R

ART UNIT PAPER NUMBER

2141

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/947,801	Applicant(s) MARGOLIN, JED	
Examiner Chirag R. Patel	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 April 2005.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Response to Arguments

Applicant's arguments filed for claims 1-5 have been fully considered but they are not persuasive.

As per arguments per claims 1 and 3, applicant argues:

1. Ellis does not show a Home Network Server. Ellis's server 2 is part of the Internet Service Provider's equipment and is not in the Subscriber's home.

As per section [0014] in the application, applicant states: A Home Network Server is used in a home to network various clients such as PCs, sensors, actuators, and other devices. It also provides the Internet connection to the various client devices in the Home Network. Ellis does show a Home network server (Figure 2 item 2) and it does provide a Internet connection to various client devices (Figure 2 item 3) As far as the subscriber's home, the Home network server receives the service from the PC. (Col 7 lines 46-47) When a device receives a service, is interpreted by the examiner to mean "subscribing" to a service.

2. As such, its computing resources are not the resources being traded by the PC User for something of value such as Internet access. Instead, it is the resources of PC 1 which are being traded.

The Home Network Server (2) provides the services to the client, which is interpreted as something of value. Per the claim, "something is value" in claims 1 and 3

is interpreted by the examiner as very broad and a variety of subject matter can read on this limitation. Applicant needs to be clear as claiming what the invention is.

3. Ellis's financial arrangement requires that the PC User and the Network Provider be different entities.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., financial arrangement and PC User and network provider being separate entities) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As described above in section 1 of claims 1 and 3, PC user and network provider are separate entities.

4. The PCs shown in Ellis Figure 9 are not home network client devices. They are networked PCs participating in parallel processing. Applicant's invention does not use the resources of the Home Network clients for its distributed computing agreement. It uses the resources of Home Network Server 101.

The networked PC uses the services provided by the network, wherein network includes the Home Network Server (Col 8 lines 46-47, Figure 2 item 2)

As per claims 2 and 4, applicant argues:

As per claims 2 and 4, Ellis discloses a distributed computing system further comprising:

a first firewall between said Internet connection and said home network server; Ellis teaches the concept of supporting the structure of inserting a firewall between the internet and home network server to provide security for the host PC against intrusion by outside hackers. (Col 19 lines 25-32)

(b) a second firewall to prevent unwanted interactions between said access to the resources of said home network server that would otherwise be unused and said home network server. (Col 16 lines 33-42, Col 19 lines 19-25)

While both Ellis and Applicant recognize the value of firewalls, Ellis does not use a home network server. Column 19 lines 25-32, Column 16 lines 33-42, and Column 19 lines 25-32 refer to Ellis Figure 10A - Figure 10I, all of which show Server 2 and Internet 3, which as been previously discussed, is part of the Network Provider, not Subscriber's PC 1 .

Furthermore, Claim 2 is dependent on Claim 1 and Claim 4 is dependent on Claim 3. Applicant believes Examiner's rejection of Claim 1 and Claim 3 has been traversed, so that Examiner's rejection of Claim 2 and Claim 4 has likewise been traversed.

As mentioned above, Ellis discloses a home server. (Figure 2 item 2) As far as the subscriber's home, the Home network server receives the service from the PC. (Col

7 lines 46-47) When a device receives a service, is interpreted by the examiner to mean "subscribing" to a service.

Per the discussions above, Ellis disclosure meet the limitations as specified in claims 1-4.

As per claim 5: Claim 5 includes the same subject matter as claims 1-4, and the above discussion is applied to claim 5.

As per part 1, applicant argues: The definition of Server as would have been commonly understood at the time Ellis's invention was made. As per part 2, applicant argues: Ellis uses the terms Server and Network Server to mean the same thing. As per part 3, Ellis makes a clear distinction between the PC User and the Network Provider (also called Internet Service Provider) As per part 4: Ellis Server 2 is part of the Network Provider, not the PC user. As per part 5: Ellis has drawn a distinction between the Network Provider and the Internet. The applicant has not drawn such a distinction.

As per parts 1-5, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Part 6: Applicant acted as his own lexicographer to define Home Network Server. Part 7: Applicant's Home Network Server is distinctly different from Ellis's Server (Network Server).

As per parts 6 and 7, As per section [0014] in the application, applicant states: A Home Network Server is used in a home to network various clients such as PCs, sensors, actuators, and other devices. It also provides the Internet connection to the various client devices in the Home Network. Ellis does show a Home network server (Figure 2 item 2) and it does provide a Internet connection to various client devices (Figure 2 item 3) As far as the subscriber's home, the Home network server receives the service from the PC. (Col 7 lines 46-47) When a device receives a service, is interpreted by the examiner to mean "subscribing" to a service.

As per part 8, applicant argues: Ellis's preference for a network architecture that physically clusters PCs together teaches away from Applicant's invention which teaches the value of having Home Network Servers located in widely different geographic areas in order to distribute the load on electric utility companies.

*In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., distributing load on electric utility companies, different geographic regions) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).*

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis (US 6,167,428).

As per claims 1 and 3, Ellis discloses a distributed computing system comprising:

(a) a home network server in a subscriber's home; (Col 7 lines 66-67, Col 8 lines 1-14 and 23-28)

(b) one or more home network client devices; (Col 13 lines 8-29, Figure 9)

(c) an Internet connection; (Col 8 lines 7-10, Col 13 lines 4-7, Figure 1 item 3)

whereby the subscriber receives something of value in return for access to the resources of said home network server that would otherwise be unused. (Col 7 lines 38-48, Col 10 lines 1-6)

As per claims 2 and 4, Ellis discloses a distributed computing system further comprising:

(a) a first firewall between said Internet connection and said home network server; Ellis teaches the concept of supporting the structure of inserting a firewall between the internet and home network server to provide security for the host PC against instruction by outside hackers. (Col 19 lines 25-32)

(b) a second firewall to prevent unwanted interactions between said access to the resources of said home network server that would otherwise be unused and said home network server. (Col 16 lines 33-42, Col 19 lines 19-25)

As per claim 5, Ellis discloses A method for providing a distributed computing system comprising the steps of:

(a) providing a home network server in a subscriber's home; (Col 7 lines 66-67, Col 8 lines 1-14 and 23-28)

(b) providing one or more home network client devices; (Col 13 lines 8-29, Figure 9)

(c) providing an Internet connection; (Col 8 lines 7-10, Col 13 lines 4-7, Figure 1 item 3)

(d) providing access to the resources of said home network server that would otherwise be unused; (Col 11 lines 55-61, Col 12 lines 17-26, Figure 5)

(e) providing a first firewall between said Internet connection and said home network Server; Ellis teaches the concept of supporting the structure of inserting a firewall between the internet and home network server to provide security for the host PC against instruction by outside hackers. (Col 19 lines 25-32)

(f) providing a second firewall to prevent unwanted interactions between said access to the resources of said home network that would otherwise be unused and said home

network server; (Col 16 lines 33-42, Col 19 lines 19-25)

whereby the subscriber receives something of value in return for said access to the resources of said home network server that would otherwise be unused. (Col 7 lines 38-48, Col 10 lines 1-6)

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kraft et al. (US 6,112,225) discloses a system for processing a computer executable task by dividing it into subtasks and distributing the subtasks to remote computer on a network. Crosetto (US 5,590,284) discloses a parallel processing data network of master and slave transputers controlled by a serial control network. Ellis (US 2001/0011294 and US 2001/0013049) discloses a distributed

processing system that performs parallel processing among various computers across a network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag R. Patel whose telephone number is (571)272-7966. The examiner can normally be reached on Monday to Friday from 7:30AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER