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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte VANCE E. CORN, JOHN DODSON,
WILLIAM C. EDWARDS III, and SCOTT A. LENHARTH

Appeal 2010-007099
Application 11/424,593
Technology Center 2100

Before JOHN A. JEFFERY, BRUCE R. WINSOR, and JEREMY J. CURCURI, *Administrative Patent Judges*.

JEFFERY, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1 and 3-20. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

STATEMENT OF THE CASE

Appellants' invention manages disk storage by previewing a disk drive's metadata before importing or clearing to make it available on a receiving system, namely a redundant array of independent disks (RAID). *See generally* Abstract; Spec. 4-5. Claim 1 is illustrative:

1. An information handling system, comprising:

a processor operable to process data; and

storage media operable to store data for processing by said processor, said storage media comprising a plurality of storage disks configured in a RAID array, said storage disks comprising at least one foreign configuration object and associated foreign data;

wherein said processor is operable to detect configuration information corresponding to said foreign configuration object and to selectively process said associated foreign data based on said configuration information and wherein said configuration information is used to generate a configuration preview for a user.

THE REJECTIONS

1. The Examiner rejected claims 1, 3-14, and 16-20 under 35 U.S.C. § 102(b) as anticipated by Islam (US 5,950,230; Sept. 7, 1999). Ans. 3-6.[1]

2. The Examiner rejected claim 15 under 35 U.S.C. § 103(a) as unpatentable over Islam and Bill Dawkins, Dell Leads RAID Format Standards Effort (2005). Ans. 7.

THE ANTICIPATION REJECTION

The Examiner finds that Islam discloses every recited feature of representative claim 1 including storage disks comprising at least one "foreign configuration object" associated with an unidentified drive and associated foreign data, where a processor is operable to (1) detect configuration information corresponding to the foreign configuration object, and (2) selectively process the associated foreign data based on the

[1] Throughout this opinion, we refer to the Appeal Brief filed November 9, 2009 ("Br.") and the Examiner's Answer mailed January 25, 2010 ("Ans.").

configuration information. Ans. 4-5, 8-14. According to the Examiner, the configuration information is used to generate a "configuration preview" that is said to correspond to displaying unidentified drive configurations that the user may accept by pressing the F7 key. Ans. 14.

Appellants argue that Islam's configuration information pertains to its native or non-foreign RAID configuration, and is not equivalent that of the claimed invention which is used to import a foreign disk into a receiving RAID array. Br. 3-6. Appellants add that Islam's configuration information does not generate a configuration preview as claimed. Br. 6-7.

ISSUE

Under § 102, has the Examiner erred in rejecting claim 1 by finding that Islam discloses storage disks comprising at least one foreign configuration object and associated foreign data, where a processor is operable to (1) detect configuration information corresponding to the foreign configuration object, and (2) selectively process the associated foreign data based on the configuration information, and where the configuration information is used to generate a configuration preview for a user?

ANALYSIS

We are unpersuaded of error in the Examiner's anticipation rejection for the reasons indicated by the Examiner. Ans. 4-5, 8-14. Despite Appellants' arguments to the contrary (Br. 3-6), nothing in claim 1 precludes the Examiner's interpreting the recited "foreign configuration object" and associated foreign data as corresponding to that associated with an unidentified drive in Islam, for this unidentified drive's former configuration

is "foreign" at least with respect to the drive's newer location and configuration. *See* Ans. 9-14; Islam, col. 10, l. 54 – col. 11, l. 5; Fig. 3 (steps 310-312). Even assuming, without deciding, that Islam's configuration information is limited to its native RAID configuration as Appellants contend (Br. 3-7), Appellants have pointed to no definition of "foreign" in their Specification that would limit the term to preclude the Examiner's interpretation. *Accord* Ans. 8, 14 (noting the breadth of the recited terms). To be sure, the Specification indicates that in various embodiments of the present invention, a "disk is examined to detect foreign configurations, generally defined as comprising a disk group that shares a set of virtual disks or hotspares." Spec. 9:17-22; 4:12-17. The Specification further notes that if a drive is moved to a different controller, its associated metadata is considered to be "foreign." Spec. 3:18-20. But Appellants have not persuasively shown how these descriptions limit the recited term "foreign" to preclude the Examiner's interpretation.

Nor have Appellants persuasively rebutted the Examiner's finding that displaying the new unidentified drive configuration information to the user for importing via the F7 key generates a configuration preview as claimed. Ans. 14 (citing Islam col. 10, l. 54 – col. 11, l. 2; Fig. 3 (steps 311-312). Appellants' arguments regarding Islam's configuration information pertaining to non-foreign disk drives in a single RAID system (Br. 6-7) are unavailing and not commensurate with the scope of the claim.

We are therefore not persuaded that the Examiner erred in rejecting representative claim 1, and claims 2-14 and 16-20 not separately argued with particularity.

THE OBVIOUSNESS REJECTION

Since Appellants do not contest the Examiner's rejection of claim 15 (*see* Br. 3-7; Ans. 7), we summarily sustain this rejection. *See* MPEP § 1205.02 ("If a ground of rejection stated by the examiner is not addressed in the appellant's brief, that ground of rejection will be summarily sustained by the Board.").

CONCLUSION

The Examiner did not err in rejecting (1) claims 1, 3-14, and 16-20 under § 102, and (2) claim 15 under § 103.

ORDER

The Examiner's decision rejecting claims 1 and 3-20 is affirmed.

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

AFFIRMED

rwk