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Terry W. Kramer, Esq. Kramer & Amado, P.C. 1725 Duke Street, Suite 240 Alexandria, VA 22314			WAQAS, SAAD A	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte LAY BEEN TAN, FELIX M. LANDRY, and STEPHEN
ROSENBERGER

Appeal 2010-008351
Application 11/498,722
Technology Center 2400

Before, DAVID M. KOHUT, JASON V. MORGAN, and
LARRY J. HUME, *Administrative Patent Judges*.

KOHUT, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) of the Final Rejection of claims 1-30. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm the Examiner's rejection of these claims.

INVENTION

The invention is directed to a method and system for storing configuration information for a new network node. Spec. 4-5. Claim 1 is representative of the invention and is reproduced below:

1. A method for storing, in a network management system (NMS), configuration information for network nodes in a network, the method comprising:

installing a node type package in the NMS, the node type package corresponding to a node type that is not currently supported by the NMS, the node type package being a pluggable software module containing the configuration information;

receiving a signal from a user in the NMS after installation of the node type package to create a new node as an instance of the node type;

presenting one or more items of the configuration information to a user in a configuration form displayed on a display screen of the system, the presented configuration information relating to the new node; and

receiving one or more signals from a user for adjusting one or more of the items to configure the new node.

REFERENCES

Madsen	US 2005/0004942 A1	Jan. 6, 2005
Subramanian	US 7,124,368 B1	Oct. 17, 2006

(filed Nov. 7, 2001)

Almeida

US 7,146,497 B2

Dec. 5, 2006

(filed Sep. 30, 2003)

REJECTION AT ISSUE

Claims 1-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Almeida, Subramanian, and Madsen. Ans. 3-19.

ISSUES

Did the Examiner err in finding it obvious to combine Almeida, Subramanian, and Madsen?

ANALYSIS

Appellants initially argue that Almeida is neither in the same field of endeavor nor is it reasonably pertinent to the problem being solved. App. Br. 8. Appellants' contention centers around the argument that the claimed "network node" only includes network devices, such as routers, switches, etc., and that a person of ordinary skill in the art would only look to references that disclose nodes that are elements in a network and not nodes internal to a computer system. App. Br. 7-8. In support of Appellants' arguments, Appellants indicate that Almeida and the current invention are in completely different classifications. App. Br. 9. As a result, Appellants argue that Almeida is non-analogous art. App. Br. 9. We disagree.

First, we note that evidence of classification in different categories by the PTO "is inherently weak...because considerations in forming a classification system differ from those relating to a person of ordinary skill seeking solution for a particular problem." *In re Mlot-Fijalkowski*, 676 F.2d 666, 670 n. 5 (CCPA 1982). "Whether a reference in the prior art is

‘analogous’ is a fact question.” *In re Clay*, 966 F.2d 656, 658 (Fed. Cir. 1992) (citing *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1568 n.9 (Fed. Cir. 1987)). “A reference is reasonably pertinent if . . . , it is one which, because of the matter with which it deals, logically would have commended itself to an inventor’s attention in considering his problem.” *Id.* at 659. “If a reference disclosure has the same purpose as the claimed invention, the reference relates to the same problem, and that fact supports use of that reference in an obviousness rejection.” *Id.*

Upon reviewing Appellants’ Specification, we find that Appellants’ field of endeavor pertains to the storage of configuration information for a network node. Spec. 4. As found by the Examiner (Ans.3), Almeida teaches a very similar approach, i.e., Almeida “sets and maintains configuration parameters for the multi-node computer.” Almeida, col. 2, ll. 14-16. While Almeida deals with nodes within a computer and the present invention deals with nodes within a network, we agree with the Examiner (Ans. 20), that one of ordinary skill in the art would look to Almeida since both are concerned with configuring nodes. As such, we agree with the Examiner (Ans. 20) that Almeida is analogous art.

Appellants additionally argue that it would not have been obvious to combine Almeida, Subramanian, and Madsen because neither Almeida nor Madsen would satisfy their intended purposes and the combination would require complex installations and methods. App. Br. 11-12. We disagree.

First, the Examiner’s position is not based on combining every aspect of Almeida with Subramanian and Madsen. Instead, the Examiner is simply relying on Almeida to show that it was known in the art to use a management module to configure nodes; Subramanian to show that it was

known in the art to display configuration information to a user; and Madsen to show that it was known in the art to create a new (not earlier supported) node type. Ans. 3-4. As such, the combination is nothing more than a combination of familiar elements according to known methods that yield predictable results. *KSR Int'l Co, v. Teleflex, Inc.*, 550 U.S. 398, 418 (2007). Thus, the references would satisfy their intended purposes.

Second, a skilled artisan would “be able to fit the teachings of multiple patents together like pieces of a puzzle” since the skilled artisan is “a person of ordinary creativity, not an automaton.” *Id.* at 420-21. Appellants have not cited to any evidence to support the assertion that the combination would be “uniquely challenging or difficult for one of ordinary skill in the art.” *See Leapfrog Enters., Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007) (citing *KSR*, 550 U.S. at 418). Thus, we agree with the Examiner’s finding that it would have been obvious to combine the references.

For the reasons stated *supra*, we sustain the Examiner’s rejection of claims 1-30.

CONCLUSION

The Examiner did not err in finding it obvious to combine Almeida, Subramanian, and Madsen.

SUMMARY

The Examiner’s decision to reject claims 1-30 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).

Appeal 2010-008351
Application 11/498,722

AFFIRMED

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