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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte PUTHUKODE G. RAMACHANDRAN

Appeal 2010-008891
Application 11/279,299
Technology Center 2100

Before MAHSHID D. SAADAT, HUNG H. BUI, and BARBARA A.
PARVIS, *Administrative Patent Judges*.

PARVIS, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's decision finally rejecting claims 1-4, 6-12, and 35-56. We have jurisdiction over the appeal under 35 U.S.C. § 6(b). Claims 5 and 13-34 have been cancelled and are not on appeal.

We AFFIRM.

STATEMENT OF THE CASE

Appellant's invention relates to a system, method, and medium for providing configurable item configuration data. (Spec. ¶20, Abstract).

CLAIMED SUBJECT MATTER

Claims 1, 35 and 46 are the independent claims on appeal. Claim 1 is representative of the subject matter on appeal, and recites:

1. A computer-based method comprising:

receiving by a computer a plurality of configuration reports, said reports reflecting configuration states or configuration state changes about a single configurable item, said configurable item having a plurality of configurable elements, said configuration reports being received from a plurality of different sources, said configuration report sources including at least one Configuration Management Database, said configuration states and configuration state changes being of unknown correctness regarding actual states of and actual states changes to said single configurable item and including at least one criteria selected from a group comprising a reported of software program revision level, a reported software patch level, and a reported software update level of a configurable element;

assigning by said computer a weight value to each single configurable element reported in said reports using one or more computer-based weighting rules, wherein said rules comprise a determination of a likelihood of correctness of each reported configurable item as reported in said received configuration reports relative to at least one criteria selected from a group comprising a reported of software program revision level, a reported software patch level, and a reported software update level of a configurable element;

selecting by said computer configurable elements having greater assigned likelihood of correctness weight values and preferences;

creating a new configuration report for said single configurable item by producing a report containing said selected configurable elements, said configuration states, and said criteria;

assigning a confidence factor to said configurable elements in said new configuration data set according by comparing said weights of respective single configurable elements between said plurality of reports; and

updating one or more entries in said Configuration Management Database for said selected configurable elements according to said new configuration report, said updated entry including one or more of said confidence factors.

REJECTIONS

Claims 1-4, 6-12, and 35-56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Helgren et al. (U.S. 2003/0204791, Oct. 30, 2003; “Helgren”) in view of Ma et al. (U.S. 2006/0025962 A1, Feb. 2, 2006; “Ma”). (Ans. 3-9).¹

ISSUES

Appellant argues on pages 8 through 10 of the Appeal Brief that the Examiner’s rejection of independent claim 1 under 35 U.S.C. § 103(a) is in error because the cited prior art is silent regarding claimed steps of weighting, selection and creation of a new configuration report.² These arguments present us with the following issues:

¹ Throughout this opinion we refer to the Examiner’s Answer mailed on Mar. 18, 2010.

² Throughout this opinion were refer to Appellant’s Appeal Brief filed Dec. 30, 2009.

- 1) Did the Examiner err in finding that the Ma or Helgren teach the weighting step as required in claim 1?
- 2) Did the Examiner err in finding that Ma teaches the selection step as required in claim 1?
- 3) Did the Examiner err in finding that Helgren teaches the creation of a new configuration report as required in claim 1?

Appellant argues on pages 10 through 11 of the Appeal Brief that the Examiner's rejection of independent claim 1 under 35 U.S.C. § 103(a) is in error because it would not have been obvious to one of ordinary skill in the art to combine Helgren and Ma as their objectives are very different. These arguments present us with the following issue:

- 4) Did the Examiner err in finding that a person of ordinary skill in the art would combine the teachings of Helgren and Ma?

Appellant argues on page 11 of the Appeal Brief that the Examiner's rejection of claim 2 under 35 U.S.C. § 103(a) is in error because neither Helgren nor Ma discloses a unit-level confidence factor as required by claim 2. These arguments present us with the following issue:

- 5) Did the Examiner err in finding that Ma teaches "generating a configurable item unit-level confidence factor," as recited in claim 2?

Appellant argues on page 12 of the Appeal Brief that the Examiner's rejection of claim 9 under 35 U.S.C. § 103(a) is in error because Ma fails to disclose using history logs to corroborate a reported configuration item's details. These arguments present us with the following issue:

- 6) Did the Examiner err in finding that Ma teaches “parsing history logs . . . to yield information corroborating one or more details of one or more reports,” as recited in claim 9?

ANALYSIS

We have reviewed the Examiner’s rejections in light of Appellant’s arguments that the Examiner has erred. We disagree with Appellant’s conclusion. We adopt as our own the findings and reasons set forth by the Examiner in the Examiner’s Answer in response to Appellant’s Appeal Brief. However, we highlight and address specific findings and arguments regarding claims 1, 2, and 9 for emphasis as follows.

The rejection of claim 1 under 35 U.S.C. 103(a)

1) First Issue

Appellant contends that Ma does not disclose the claimed weighting step because the weights of Ma “relate to the likelihood of a parameter being the cause for a malfunction.” (App. Br. 10; *see also* Reply Br. 3³ (Ma is a troubleshooting system).) However, Ma’s disclosure of troubleshooting undesired behavior is in addition to, and consistent with, Ma’s disclosure of the weighting step of claim 1. Claim 1 requires a “likelihood of correctness.” Ma explains that the correctness of configuration parameters is directly related to the behavior of the system, “[i]f certain configuration parameters are incorrect, then the applications may exhibit an undesired behavior.” (Ma ¶ 3.) Thus, since Ma discloses, for example, weighting or

³ Throughout this opinion were refer to Appellant’s Reply Brief of May 18, 2010.

ranking to determine whether a configuration parameter has “a high likelihood of causing additional problems[]” (Ma ¶ 15), as noted by the Examiner, Ma satisfies “a determination of a likelihood of correctness” as is recited in claim 1. (*See, e.g.*, Ans. 5 (citing Ma ¶15-17).) Accordingly, we are not persuaded by Appellant’s arguments and agree with the Examiner that this limitation is met by Ma (Ans. 5, 11).

Appellant additionally contends that the configuration parameter of Ma is not the same as the “configurable element” recited in claim 1 because a configuration parameter is a setting that changes the use of a configurable element, but is not itself a configurable element. (App. Br. 10.) However, in Appellant’s Specification, Appellant uses the term “configurable elements” more broadly to encompass “the collection of things which can be configured in a CI, such as options, features, components, etc. . . .” (Spec. ¶29.) Because the USPTO gives claims their broadest reasonable interpretation, in light of the language of claim 1 and Appellant’s Specification, and consistent with the Examiner’s position, we decline to limit “configurable element” as argued by Appellant. Thus, we are not persuaded by Appellant’s arguments and agree with the Examiner that Ma discloses the “configurable element” as recited in claim 1 (Ans. 5, 11).

With respect to the remainder of the weighting step of claim 1, the Examiner properly identified the relevant teachings in the cited prior art. (Ans. 5, 11.) Accordingly, we are not persuaded by Appellant’s arguments and agree with the Examiner that this limitation is met by Ma and Helgren.

2) *Second Issue*

Appellant contends that the Examiner erroneously read the term “probable” into the cited references and that Ma’s disclosure of ranking does

not teach the selection step of claim 1. (Reply Br. 5.) We agree with the Examiner that Ma's disclosure of ranking as understood by one of ordinary skill in the art teaches the selection step of claim 1 (Ans. 5, 11).

Furthermore, as additional evidence supporting that the selection step is met, Ma's ranking technology relates to "identifying a configuration parameter whose value is causing an undesired behavior." (Ma ¶1.) Accordingly, we are not persuaded by Appellant's arguments and agree with the Examiner that this limitation is met by Ma.

3) Third Issue

In an attempt to distinguish over Helgren, Appellant interjects a requirement that only selected elements are reported arguing, for example, that the cited prior art does not "create a new configuration report containing *only* those selected elements." (App. Br. 10 (emphasis added).) Claim 1 does not recite "only" as argued by Appellant, but instead recites, "creating a new configuration report for said single configurable item by producing a report containing said selected configurable elements, said configuration states, and said criteria." Appellant's argument is not commensurate with the limitations of claim 1. The Examiner properly identified the relevant teachings in the cited prior art disclosing creating a configuration report as recited in claim 1. (*See e.g.*, Ans. 11.) Accordingly, we are not persuaded by Appellant's arguments and agree with the Examiner that this limitation is met by Helgren.

4) Fourth Issue

Appellant contends that because Helgren and Ma have "very different" objectives, it would not have been obvious to one of ordinary skill in the art to combine Helgren and Ma. (App. Br. 10.) As noted by the

Examiner, both Helgren and Ma are directed to evaluating or ranking configuration information. (Ans. 12.) As additional supporting evidence, both Helgren and Ma teach that the evaluation can be used to identify problems (Helgren ¶2, 22, Abstract; Ma ¶1). Thus, we agree with the Examiner that Helgren and Ma are directed to the same field of endeavor. (Ans. 12.) Here the Examiner has provided adequate rationale for combining Helgren and Ma (Ans. 6, 12). Accordingly, we are not persuaded by Appellant's arguments and agree with the Examiner that it would have been obvious to one of ordinary skill in the art to combine Helgren and Ma.

As explained *supra* with respect to highlighted findings and arguments regarding issues 1 through 4 presented for claim 1, we are not persuaded of error in the Examiner's rejection of claim 1 under 35 U.S.C. § 103(a). Accordingly, we sustain the rejection. Additionally, with respect to the rejection of claims 4, 6-8, 10-12, 35, 38-41, 43-46, 49-52, and 54-56, Appellant allows those claims to fall with claim 1 by relying on the same reasons presented for the patentability of claim 1. (App. Br. 11.) Accordingly, we sustain the Examiner's rejection of claims 4, 6-8, 10-12, 35, 38-41, 43-46, 49-52, and 54-56 under 35 U.S.C. § 103(a).

The rejection of claim 2 under 35 U.S.C. 103(a)

5) Fifth Issue

Appellant argues that because neither Helgren nor Ma discloses a "confidence factor," as recited in claim 1, then neither Helgren nor Ma discloses a "unit-level confidence factor," as recited in claim 2. (App. Br. 11.) As was discussed *supra* with respect to the weighting step of claim 1, the Examiner properly identified the relevant teachings in the cited prior art

for the weighting step. (Ans. 5, 11.) Appellant does not present additional arguments with sufficient specificity to persuade us of error in the Examiner's rejection of claim 2 under 35 U.S.C. § 103(a). Accordingly, we sustain the rejection. Additionally, with respect to the rejection of claims 3, 36, 37, 47, and 48, Appellant allows those claims to fall with claim 2 by relying on the same reasons presented for the patentability of claim 2. (App. Br. 11.) Accordingly, we sustain the Examiner's rejection of claims 3, 36, 37, 47, and 48 under 35 U.S.C. § 103(a).

The rejection of claim 9 under 35 U.S.C. 103(a)

6) Sixth Issue

Appellant contends that the Examiner did not clearly specify what the Examiner is holding to be the teaching of using "history logs" to "corroborate" a reported item, as required in claim 9. (App. Br. 12.) However, as Appellant notes, the Examiner pointed to excerpts of the prior art that disclose the limitations of claim 9. (Ans. 8 (citing Ma ¶¶15-17).)

In those excerpts cited by the Examiner, Ma discloses a "problem report" with the configuration parameters of the user's computer at the time of the undesired behavior, referred to later as "candidate configuration parameters." (Ma ¶15.) Ma teaches ranking these candidate configuration parameters using past or historical problem configuration data, "[s]ymptom ranking is based on the assumption that past problems with similar symptoms for related configuration parameters indicate that a candidate configuration parameter is likely causing the current undesired behavior." (Ma ¶15.) One of ordinary skill in the art would understand that the result of the ranking yields information corroborating details in the problem report,

“[i]n this way the troubleshooting system can identify a configuration parameter that may be the cause of an application exhibiting undesired behavior” (Ma ¶15.)

Accordingly, we are not persuaded of error in the Examiner’s rejection of claim 9 under 35 U.S.C. § 103(a) and, therefore, we sustain that rejection. Additionally, with respect to the rejection of claims 42 and 53, Appellant allows those claims to fall with claim 9 by relying on the same reasons presented for the patentability of claim 9. (App. Br. 12.)

Accordingly, we sustain the Examiner’s rejection of claims 42 and 53 under 35 U.S.C. § 103(a).

CONCLUSION

Based on the record before us, we conclude that the Examiner did not err in rejecting claims 1, 2 and 9 as being unpatentable under 35 U.S.C. § 103(a). Therefore, we sustain the 35 U.S.C. § 103(a) rejection of claim 1, 2 and 9 and of claims 3, 4, 6-8, 10-12, and 35-56, falling therewith.

DECISION

We affirm the Examiner’s rejection of claims 1-4, 6-12, and 35-56.

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

AFFIRMED