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| HEWLETT-PACKARD COMPANY<br>Intellectual Property Administration<br>3404 E. Harmony Road<br>Mail Stop 35<br>FORT COLLINS, CO 80528 |             |                      | UTREJA, NEERAJ K    |                  |
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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* SERGEY GERASIMOV, CLAY E. OLSEN,  
and MARC A. SORDI

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Appeal 2010-009450<sup>1</sup>  
Application 11/388,470  
Technology Center 2400

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Before JEAN R. HOMERE, JOHNNY A. KUMAR, and BRYAN F.  
MOORE, *Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

DECISION ON APPEAL

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<sup>1</sup> The real party in interest is Hewlett Packard Development Company, LP.  
(App. Br. 1.)

Appeal 2010-009450  
Application 11/388,470

## I. STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1-13 and 20. Claims 14-19 have been canceled. (App. Br. 1.) We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

### *Appellants' Invention*

Appellants invented a method and system for configuring a computing device (102) having a plurality of Internet version six (IPV6) network addresses (112A-D). (Spec. 3, ll. 13-23, Fig. 1.) In particular, after acquiring a manual protocol address (112B), the computing device performs stateless network configuration for in accordance with the protocol. (*Id.* at Spec. 3, l. 24- spec. 4, l. 6.) Then, the computing device performs stateful network configuration in accordance with the protocol policy (e.g. DHCP policy), and pursuant to at least one managed configuration flag for the stateful network configuration. (*Id.*, ll. 10-19.) If, however, the protocol policy conflicts with the managed configuration flag, the computing device performs the stateful network configuration in accordance with the policy only thereby overriding the configuration flag. (*Id.* at 10, ll. 10-20, Fig 3.)

### *Illustrative Claim*

Independent claim 1 further illustrates the invention. It reads as follows:

1. A method comprising:

where a manual protocol address for a computing device has been stored, acquiring the manual protocol address for the computing device;

performing stateless network configuration for the computing device in accordance with a protocol; and,

where a policy for the protocol does not conflict with the managed configuration flags for the stateful network configuration, performing stateful network configuration for the computing device in accordance with the policy for the protocol and in accordance with one or more managed configuration flags for the stateful network configuration,

where the policy for the protocol at least partially conflicts with the managed configuration flags for the stateful network configuration, performing the stateful network configuration for the computing device always in accordance with just the policy for the protocol, such that the policy for the protocol overrides the managed configuration flags and such that the stateful network configuration is not performed in accordance with the managed configuration flags.

*Prior Art Relied Upon*

Peng

US 2005/0249214 A1

Nov. 10, 2005

S. Thomson et al., *IPv6 Stateless Address Autoconfiguration*, Network Working Group, RFC 2462 (December 1998) (“Thomson”).

S. Daniel Park et al., *Consideration M and O Flags of IPv6 Router Advertisement*, Network Working Group, Internet Draft (IETF) (July 11, 2004) (“Park”).

Appeal 2010-009450  
Application 11/388,470

*Rejections on Appeal*

The Examiner rejects claims 1-12 and 20 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Thomson and Park.

The Examiner rejects claim 13 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Thomson, Park, and Peng.

ANALYSIS

We consider Appellants' arguments *seriatim* as they are presented in the Appeal Brief, pages 4-8, and the Reply Brief, pages 1-8.

Dispositive Issue: Have Appellants shown by a preponderance of the evidence that the Examiner erred in finding that the combination of Thomson and Park teaches or suggests *performing the stateful network configuration in accordance with the protocol policy that overrides the managed configuration flag where the configuration flag conflicts with the protocol policy*, as recited in claim 1?

Appellants argue that the combination of Thomson and Park does not teach or suggest the disputed limitations emphasized above. (*Id.*) In particular, Appellants argue that the proffered combination discloses upon the policy overriding the flags, performing stateless configuration as opposed to performing stateful configuration as claimed. (App. Br. 5.) Further, Appellants argue that the disclosed flags merely indicate whether stateful and/or stateless services are available, as opposed to indicating what services should be used. Only when the flags are paired with the policy in a

Appeal 2010-009450  
Application 11/388,470

cooperative manner do they indicate what services should be used. (*Id.* at 6.) According to Appellants, in the proffered combination, no conflict ever arises between the policy and the flags. That is, the act of overriding the flag does not ensue as a result of the cited conflict. Consequently, Appellants submit that the proposed combination does not render claim 1 unpatentable. (*Id.*).

In response, the Examiner finds that Park's disclosure of a scenario where both the M-flag and the O-flag are in the off position (i.e. stateful configuration is not to be performed) and M policy is set to 1 (i.e. stateful configuration should be performed) teaches a scenario where the flags conflict with the policy. In that case, Park discloses that the host should invoke stateful configuration regardless of what the contents of receiving router advertisements (RAs) indicate. (Ans. 13-14.) The Examiner further finds that the cited disclosure of Park reinforces Thomson's disclosure of the M-flag value indicating that stateful configuration should be performed to teach the disputed limitations. (*Id.* at 14.)

Based upon our review of the record, we agree with the Examiner's underlying factual findings and ultimate conclusion of obviousness regarding claim 1. In particular, we agree with the Examiner that, in scenario 1, Park's disclosure of the flags for both stateless and stateful configurations being off (M=OFF and O=OFF) teaches that according to the flags, no stateless configuration or stateful configuration should take place. (Park, pp. 4-5) We further agree with the Examiner that Park's disclosure of when M-policy = 1, "[t]he host should invoke stateful DHCPv6 regardless

Appeal 2010-009450  
Application 11/388,470

for address autoconfiguration regardless of the content of receiving RAs or the existence of RAs” teaches that the host should invoke stateless configuration irrespective of what the stateful flag indicates. (Ans. 13; Park , p. 4.) Accordingly, we agree with the Examiner, in that particular scenario, Park teaches a policy that conflicts the indication of a stateful flag, and as a result of such conflict, the policy overrides the flag’s indication of not performing a stateful configuration to thereby perform the stateful autoconfiguration, as prescribed in the policy only. Therefore, we agree with the Examiner that Park cures the noted deficiencies of Thomson. It follows that Appellants have not shown by a preponderance of the evidence that the Examiner erred in finding that the combination of Thomson and Park renders claim 1 unpatentable.

Claims 2-13 (not argued separately) fall with claim 1. *See* 37 C.F.R. § 41.37(c)(1)(vii).

Regarding claim 20, Appellants argue the combination of Thomson and Park does not teach or suggest the limitations recited therein. (App. Br. 7.) These arguments are not persuasive. We find that the Examiner has rebutted by a preponderance of the evidence each argument separately raised by Appellants in the Brief regarding the cited claim. (Ans. 15-16). We consequently adopt the Examiner’s findings, which are incorporated herein by reference. Because these findings have not been persuasively rebutted by Appellants, we find that Appellants have not shown error in the Examiner’s rejection of claim 20.

Appeal 2010-009450  
Application 11/388,470

**DECISION**

We affirm the Examiner's rejection of claims 1-13 and 20 as set forth above.

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**

msc