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EXAMINER	
HUTTON JR, WILLIAM D	

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte DAVID J. LINDNER

Appeal 2010-010233
Application 11/856,180
Technology Center 2100

Before CARL W.WHITEHEAD, JR., ERIC S. FRAHM, and ANDREW J. DILLON, *Administrative Patent Judges*.

DILLON, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1, 5, 21, and 23-25. Claims 2-4, 6-20 and 22 have been cancelled. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

Appellant's invention is directed to a method for accessing a directory server utilizing a caching daemon. *See* Spec. 18, Abstract of the Disclosure.

Claim 1 is illustrative, with key disputed limitations emphasized:

> 1. A method comprising:
>
> *simultaneously and continuously maintaining a first plurality of connections between a first Lightweight Directory Access Protocol (LDAP) server and a caching daemon*;
>
> receiving from an application a request for information from an LDAP server, the receiving by the caching daemon;
>
> obtaining the requested information by the caching daemon from at least one selected from the group consisting of: the first LDAP server over at least one of the first plurality of connections; and data previously requested and stored by the caching daemon; and
>
> sending the requested information to the application.

The Examiner relies on the following as evidence of unpatentability:

Luotonen	US 5,864,852	Jan. 26, 1999
Ganguly	US 2003/0212863 A1	Nov. 13, 2003

Cluet et al., "Using LDAP Directory Caches," Proceedings of the Eighteenth ACM-SIGMOID-SIGACT-SIGART Symposium on Principles of Database Systems, May 1999 (hereinafter "Cluet")

THE REJECTIONS

1. The Examiner rejected claims 1, 5, 23, and 24 under 35 U.S.C.

§103(a) as unpatentable over Cluet and Luotonen. Ans. 4-10.[1]

2. The Examiner rejected claims 21 and 25 under 35 U.S.C. §103(a) as unpatentable over Cluet, Luotonen, and Ganguly. Ans. 10-14.

ISSUE

Based upon our review of the record, the arguments proffered by Appellant and the findings of the Examiner, we find the following issue to be dispositive of the claims on appeal:

Under § 103, has the Examiner erred by finding that Cluet and Luotonen suggest or disclose "simultaneously and continuously maintaining a first plurality of connections between a first Lightweight Directory Access Protocol (LDAP) server and a caching daemon" as set forth within claim 1, with commensurate limitations within claim 23?

ANALYSIS

Appellant argues that Cluet and Luotonen, collectively, fail to disclose, either expressly or inherently, that the connections between the caching client machine and the server are "continuously" maintained. App. Br. 12-13.

The Examiner notes that the Board, in the parent application, (09/611,920) found that Cluet and Luotonen did teach simultaneously maintaining a plurality of connections between a directory server and a caching daemon. Ans. 15.

Further, the Examiner finds that Luotonen expressly states that it is an object of the disclosed system to minimize latency in the retrieval of

[1] Throughout this opinion, we refer to the Appeal Brief filed January 26, 2010; the Examiner's Answer mailed April 29, 2010; and the Reply Brief filed June 28, 2010.

documents and that consequently it is inherent that Luotonen must continuously maintain the connections while caching, in order to meet these objectives. *Id.* at 16.

We find that one of ordinary skill in the art, when faced with the repeated task of retrieving and caching requested information from a server, would necessarily be faced with only two alternatives: namely, connecting the caching daemon with the server intermittently, or maintaining that connection continuously. Consequently, in view of the disclosures of Cluet and Luotonen, we find that it would have been obvious to maintain a plurality of continuous connections between a caching daemon and the server. This is particularly true as Appellant has set forth no unexpected advantage associated with their embodiment which proposes continuously maintained communication.

We, therefore, find the Examiner did not err in rejecting claims 1 and 23 as unpatentable over Cluet and Luotonen, along with claims 5, 21, 24 and 25, which were not argued separately.

CONCLUSION

The Examiner did not err in rejecting claims 1, 5, 21, and 23-25 under § 103.

ORDER

The Examiner's decision rejecting claims 1, 5, 21, and 23-25 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

peb