UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/838,627	07/19/2010	SAUMITRA BURAGOHAIN	112-0530US1	6699

85197	7590	08/29/2016

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ART UNIT	PAPER NUMBER
3623	

NOTIFICATION DATE	DELIVERY MODE
08/29/2016	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Ex parte SAUMITRA BURAGOHAIN,
SATHISH KUMAR GNANASEKARAN, and
DENNIS HIDEO MAKISHIMA

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Appeal 2014-003297
Application 12/838,627
Technology Center 3600

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Before MICHAEL L. HOELTER, LYNNE H. BROWNE, and
PAUL J. KORNICZKY, *Administrative Patent Judges.*

BROWNE, *Administrative Patent Judge.*

DECISION ON REQUEST FOR REHEARING

STATEMENT OF THE CASE

Saumitra Buragohain et al. (Appellants) filed a request for rehearing
under 37 C.F.R. § 41.52 (hereinafter "Request), dated August 16, 2016, of
our decision mailed June 24, 2016 (hereinafter "Decision"). In the Decision,
we affirmed the Examiner's rejection of claims 10–27 under 35 U.S.C. § 101
and reversed the Examiner's rejection of claims 1–27 under 35 U.S.C.
§ 102(b). Appellants seek rehearing as to the portion of the Decision
affirming the rejections under 35 U.S.C. § 101.

DISCUSSION

Appellants assert that "the Board may not have fully appreciated the technological improvement recited in at least independent claims 10 and 19" and that "[t]his issue then flowed over to affirming the Examiner's position that claims 10–27 are directed to non-statutory subject matter." Request 3. In support of these assertions, Appellants direct our attention to paragraphs 6–10 of the Specification which "describes the state of telecommunication and network technology, the problems involved with the current state of technology, and the benefits for overcoming these problems." *Id.*

In paragraphs 6–10, the Specification describes the state of the art and the technological problems associated with therewith. However, the claims do not address these issues. For example, as noted in the Decision (*see* Decision 4), claim 10 merely recites: "A method comprising: determining, by a storage area network (SAN) interface, that a command has been received from a hypervisor for an unknown LUN /LBA; and querying, by the SAN interface, the hypervisor to determine virtual machine (VM) information related to the LUN /LBA." Appeal Br. 22. Similar instructions are recited in claim 19. Appeal Br. 23. The determining and querying steps recited in claim 10 and the similar instructions recited in claim 19 do not differentiate between routine determining and querying steps and steps which allegedly solve the described technological problems.

We construe claims in light of the Specification without reading limitations from the Specification into the claims. *See In re Van Geuns*, 988 F.2d 1181, 1184–85 (Fed. Cir. 1993). We apply this claim construction regardless of whether we are construing claims for compliance with § 101, or for compliance with other sections of the United States Code Title 35 –

Patents. *See Bancorp Servs., L.L.C. v. Sun Life Assurance Co. of Canada,*
687 F.3d 1266, 1273-74 (Fed. Cir. 2012) ("[I]t will ordinarily be desirable—
and often necessary—to resolve claim construction disputes prior to a § 101
analysis, for the determination of patent eligibility requires a full
understanding of the basic character of the claimed subject matter.").
Appellants would have us construe the claim limitations at issue to require
the results of simplified management and improved QoS without reciting
those results or specifying how they are achieved. *See* Request 6. We
decline to limit claims 10 and 19.

> Appellants further allege that claim 10
>
> is analogous to the claims in the "E-Commerce Outsourcing
> System/Generating a Composite Web Page" example presented
> in the "Examples: Abstract Ideas" posted at
> http://www.uspto.gov/patent/laws-and-regulations/examination-
> policy/2014-interim-guidance-subject-matter-eligibility-o
> ("Abstract Ideas Examples") in that the both sets of claims *are
> rooted in computer technology* and overcome a problem
> specifically *arising in the realm of computer networks.*

Request 7. However, the examples cited differ from claim 10 because they
recite the technological problem solved and the results achieved. As
discussed *supra*, claim 10 is not so limited.[1]

In addition, Appellants allege that claim 10 "as a whole amounts to
significantly more than an abstract idea," because it is "analogous to the
modeled claims presented in the 'Digital Image Processing' example in the
Abstract Ideas Examples." We reproduce these example claims below with

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[1] Although not argued, claim 19 is also not limited to an improvement which
simplifies management and improves QoS.

emphasis added to highlight a technological problem solved and a result produced by the solution in the claims:

> 1. A computer-implemented method *for halftoning a gray scale image,* comprising the steps of:
> generating, with a processor, a blue noise mask by encoding changes in pixel values across a plurality of blue noise filtered dot profiles at varying gray levels;
> storing the blue noise mask in a first memory location;
> receiving a gray scale image and storing the gray scale image in a second memory location;
> comparing, with a processor on a pixel-by-pixel basis, each pixel of the gray scale image to a threshold number in the corresponding position of the blue noise mask to produce a binary image array; and
> *converting the binary image array to a halftone image.*

> 2. A non-transitory computer-readable medium with instructions stored thereon, that when executed by a processor, perform the steps comprising:
> generating a blue noise mask by encoding changes in pixel values across a plurality of blue noise filtered dot profiles at varying gray levels;
> storing the blue noise mask in a first memory location;
> receiving a gray scale image and storing the gray scale image in a second memory location;
> comparing, on a pixel-by-pixel basis, each pixel of the gray scale image to a threshold number in the corresponding position of the blue noise mask to produce a binary image array; and
> *converting the binary image array to a halftoned image.*

> 3. A system *for halftoning a gray scale image,* comprising:
> a processor that generates a blue noise mask by encoding changes in pixel values across a plurality of blue noise filtered dot profiles at varying gray levels;
> a first memory for storing the blue noise mask; and
> a second memory for storing a received gray scale image;
> wherein the processor further compares, on a pixel-by-pixel basis, each pixel of the gray scale image to a threshold number

in the corresponding position of the blue noise mask to produce
a binary image array and *converts the binary image array to a
halftoned image.*

Claim 10 is not similar to the Digital Image Processing example claims. As

discussed *supra*, these example claims recite the technological problem

being solved and the results produced by the solution. Claim 10 does

neither. Thus, claim 10 is not directed to an improvement in computer

technology.[2]

Accordingly, we did not overlook a technological improvement set

forth in claims 10 and 19 or err in affirming the Examiner's decision

rejecting claims 10–27 under 35 U.S.C. § 101.

DECISION AND ORDER

We grant the Request to the extent that we have considered the

arguments pertaining to matters allegedly overlooked or misapprehended,

but otherwise deny the Request.

DENIED

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[2] Although not argued, claim 19 is not directed to an improvement in
computer technology either.