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EXAMINER

JASMIN, LYNDIA C

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ROBERT HAMILTON and JEREMY SULLINS

Appeal 2014-008347
Application 12/769,771¹
Technology Center 3600

Before JOSEPH A. FISCHETTI, KEVIN W. CHERRY, and
ROBERT J. SILVERMAN, *Administrative Patent Judges*.

SILVERMAN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

The Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's decision rejecting claims 1–20. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

¹ According to the Appellants, the real party in interest is AT&T Intellectual Property I, L.P. Appeal Br. 1.

ILLUSTRATIVE CLAIM

1. A method, for processing damage survey information associated with a disaster event, comprising:

receiving, by a computer server having a computer-processing unit, the damage survey information including:

an area of impact defining an area in which at least one physical plant was damaged in the disaster event; and

a physical plant type identifier for each physical plant damaged in the disaster event, each physical plant type identifier identifying a physical plant type of a plurality of physical plant types;

analyzing, by the computer server, the damage survey information to determine to which of a plurality of disaster recovery dispatch units the computer server should route the damage survey information;

routing, by the computer server, in response to the computer server determining, based on the analyzing, that all physical plants damaged in the disaster event are associated with the same physical plant type, as identified by their respective physical plant type identifiers, the damage survey information to a disaster recovery dispatch unit, of the plurality of disaster recovery dispatch units, that is pre-assigned to repair the physical plant type identified by the respective physical plant type identifiers;

routing, by the computer server, in response to the computer server determining, based on the analyzing, that all physical plants damaged in the disaster event are not of the same type, but are associated by their physical plant types with a physical plant type of a predefined group of physical plant types that a specific disaster recovery dispatch unit of the plurality of disaster recovery dispatch units is pre-assigned to repair, the damage survey information to the specific disaster recovery dispatch unit of the plurality of disaster recovery dispatch units that is pre-assigned to repair the group of physical plant types;

performing, in response to the computer server determining, based on the analyzing, that at least some of the physical plants damaged in the disaster event are associated with different physical plant types that are not all part of the group of physical plant types, according to their respective physical plant type identifiers, operations comprising:

 parsing, by the computer server, the damage survey information into portions of damage survey information based upon the respective physical plant type identifiers; and

 routing, by the computer server, the portions of damage survey information to respective disaster recovery dispatch units, of the plurality of disaster recovery dispatch units, based upon the physical plant types that each respective disaster recovery dispatch unit is pre-assigned to repair.

REJECTION

Claims 1–20 are rejected under 35 U.S.C. § 103(a) as unpatentable over Hutchinson et al. (US 2009/0019075 A1, pub. Jan. 15, 2009) (“Hutchinson”) and Barash et al. (US 2011/0117878 A1, pub. May 19, 2011) (“Barash”).

FINDINGS OF FACT

The findings of fact relied upon, which are supported by a preponderance of the evidence, appear in the following Analysis.

ANALYSIS

The Appellants argue (Appeal Br. 8–11) that independent claim 1 was rejected erroneously because, contrary to the Examiner’s position (*see* Final Action 5–6 (citing Barash ¶¶ 22, 136)), Barash does not teach the following limitations:

 routing, by the computer server, in response to the computer server determining, based on the analyzing, that all

physical plants damaged in the disaster event are associated with the same physical plant type, as identified by their respective physical plant type identifiers, the damage survey information to a disaster recovery dispatch unit, of the plurality of disaster recovery dispatch units, that is pre-assigned to repair the physical plant type identified by the respective physical plant type identifiers;

routing, by the computer server, in response to the computer server determining, based on the analyzing, that all physical plants damaged in the disaster event are not of the same type, but are associated by their physical plant types with a physical plant type of a predefined group of physical plant types that a specific disaster recovery dispatch unit of the plurality of disaster recovery dispatch units is pre-assigned to repair, the damage survey information to the specific disaster recovery dispatch unit of the plurality of disaster recovery dispatch units that is pre-assigned to repair the group of physical plant types.

The Examiner's Answer maintains the position that Barash teaches these limitations, but identifies previously uncited portions of Barash as teaching the various claimed features. *See* Answer 15–16 (citing Barash ¶¶ 16–18, 50, 55–57, 88, 110).

However, the newly cited portions of Barash do not teach, at least, either the features of a “computer server determining . . . that all physical plants damaged in the disaster event are associated with the same physical plant type, as identified by their respective physical plant type identifiers,” or a

computer server determining . . . that all physical plants damaged in the disaster event are not of the same type, but are associated by their physical plant types with a physical plant type of a predefined group of physical plant types that a specific disaster recovery dispatch unit of the plurality of disaster recovery dispatch units is pre-assigned to repair.

Paragraph 88 of Barash, which the Examiner appears to identify as disclosing such features (*see* Answer 16), does not refer to any physical plants, let alone teach ones being of the “same physical plant type” (or not), “physical plant type identifiers,” or any of “a predefined group of physical plant types that a specific disaster recovery dispatch unit of the plurality of disaster recovery dispatch units is pre-assigned to repair,” as recited in claim 1.

Therefore, the rejection of claim 1 under 35 U.S.C. § 103(a) is not sustained. Independent claims 11 and 16 contain a similar limitation and thus the rejection thereof is likewise not sustained.

In regard to dependent claims 2–10, 12–15, and 17–20, the Appellants rely upon the arguments presented for their respective independent claims. Appeal Br. 12. Because those arguments are persuasive of error, the rejection of claims 2–10, 12–15, and 17–20 under 35 U.S.C. § 103(a) is also not sustained.

DECISION

We REVERSE the Examiner’s decision rejecting claims 1–20 under 35 U.S.C. § 103(a).

REVERSED