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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* RICHARD V. HOM, ERIC M. NELSON, and JAMES C. NORTH

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Appeal 2015-002556  
Application 12/893,453  
Technology Center 2100

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Before ROBERT E. NAPPI, ELENI MANTIS MERCADER, and  
STEVEN M. AMUNDSON, *Administrative Patent Judges*.

AMUNDSON, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants<sup>1</sup> seek our review under 35 U.S.C. § 134(a) from a final rejection of claims 1–22, i.e., all pending claims. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

*The Invention*

According to the Specification, the “invention relates generally to directory server integration, and more specifically, to just-in-time (JIT)

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<sup>1</sup> According to Appellants, the real party in interest is International Business Machines Corporation. App. Br. 2.

directory integration.” Spec. ¶ 1.<sup>2</sup> The Specification explains that “just-in-time (JIT) retrieval of directory information” should “reduce network traffic and load on directory servers and/or data sources by requesting only the information that is currently needed from the directory server.” Abstract. In one embodiment, a directory server determines “a location corresponding to a set of current attribute values for responding to” a data request and then retrieves “the set of current attribute values from at least one of the following: the directory server, and an external source.” Spec. ¶ 6.

*Representative Claim*

Independent claim 1 exemplifies the subject matter of the claims under consideration and reads as follows, with italics identifying the limitations at issue in claim 1:

1. A method for just-in-time (JIT) retrieval of directory information, the method comprising:

receiving a request for directory information at a directory server;

determining, by the directory server, a location corresponding to a set of current attribute values for responding to the request, the determining comprising:

*retrieving internal attributes and external attributes of a set of attributes from the directory server, wherein the directory server continuously maintains the retrieved external attributes as a duplicate source in the case that an external source associated with one or more of the external attributes is no longer capable of being mapped*

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<sup>2</sup> This decision uses the following abbreviations: “Spec.” for the Specification, filed September 29, 2010; “Final Act.” for the Final Office Action, mailed March 3, 2014; “Adv. Act.” for the Advisory Action, mailed May 20, 2014; “App. Br.” for the Appeal Brief, filed August 29, 2014; “Ans.” for the Examiner’s Answer, mailed October 24, 2014; and “Reply Br.” for the Reply Brief, filed December 24, 2014.

*to, and wherein the retrieved external attributes continuously maintained as the duplicate source include lightweight directory access protocol information about an object, each of the external attributes having an attribute type associated with a syntax that defines the kind of values that can be stored in the directory server;*

determining whether internal data corresponding to the set of attributes from the directory server is current;  
and

determining whether data corresponding to the set of attributes previously retrieved from an external source and cached in the directory server is current, wherein the determining is performed prior to a subsequent retrieval from the external source for data corresponding to the set of attributes, and wherein, as a result of the determining, the subsequent retrieval from the external source is not performed in the case that data corresponding to the set of attributes previously retrieved from the external source and cached in the directory server is current; and

retrieving the set of current attribute values from the directory server in the case that the data corresponding to the set of attributes from the directory server is current, and from the external source in the case that the data corresponding to the set of attributes from the directory server is not current.

App. Br. 20–21 (Claims App.).

*The Prior Art Supporting the Rejections on Appeal*

As evidence of unpatentability, the Examiner relies on the following prior art:

Hassett et al. (“Hassett”)	US 6,173,311 B1	Jan. 9, 2001
MacLeod et al. (“MacLeod”)	US 2005/0044103 A1	Feb. 24, 2005
Bell et al. (“Bell”)	US 2005/0216485 A1	Sept. 29, 2005
Danoyan	US 2008/0040395 A1	Feb. 14, 2008

*The Rejections on Appeal*

Claims 1–22 stand rejected on the ground of obviousness-type double patenting as unpatentable over various claims in two U.S. patents and one copending application. Final Act. 2–5.

Claims 1–22 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Bell in view of Danoyan, Hassett, and MacLeod. Final Act. 6–31; App. Br. 8; Reply Br. 2.

ANALYSIS

We have reviewed the rejections of claims 1–22 in light of Appellants’ arguments that the Examiner erred. For the reasons explained below, we disagree with Appellants’ assertions regarding error by the Examiner.

*The Rejection for Obviousness-Type Double Patenting*

In the Final Office Action, the Examiner rejected all pending claims on the ground of obviousness-type double patenting. Final Act. 2–5. In the Appeal Brief, Appellants do not present any arguments regarding the double-patenting rejection. App. Br. 9–18. In the Answer, the Examiner does not withdraw the double-patenting rejection. Ans. 3–7.

Because Appellants do not contest the double-patenting rejection, we summarily sustain that rejection. *See Hyatt v. Dudas*, 551 F.3d 1307, 1314 (Fed. Cir. 2008) (explaining that “[w]hen the appellant fails to contest a ground of rejection to the Board, . . . the Board may treat any argument with respect to that ground of rejection as waived”); *see also Manual of Patent Examining Procedure (MPEP)* § 1205.02 (9th ed. Rev. 07.2015 Nov. 2015) (“If a ground of rejection stated by the examiner is not addressed in the

appellant’s brief, appellant has waived any challenge to that ground of rejection and the Board may summarily sustain it, unless the examiner subsequently withdrew the rejection in the examiner’s answer.”).

*The Rejection of Claim 1 Under 35 U.S.C. § 103(a)*

CONTINUOUSLY MAINTAINING RETRIEVED  
EXTERNAL ATTRIBUTES AS A DUPLICATE SOURCE

Claim 1 requires a “directory server” with “internal attributes and external attributes of a set of attributes” that “continuously maintains the retrieved external attributes as a duplicate source in the case that an external source associated with one or more of the external attributes is no longer capable of being mapped to.” App. Br. 20 (Claims App.). According to the Specification, mapping an external attribute refers to determining the attribute’s location. Spec. ¶ 30.

The Examiner finds that the combination of Bell and Hassett teaches a directory server with internal attributes and external attributes that continuously maintains the external attributes as a duplicate source. Final Act. 6–7, 9; Ans. 3–4.

Appellants argue that the references fail to disclose a directory server with internal attributes and external attributes that continuously maintains the external attributes as a duplicate source. App. Br. 14–15, 15–16; Reply Br. 3–4. Among other things, Appellants point out that the Final Office Action states that Bell “does not disclose wherein the directory server continuously maintains the external attributes as [a] duplicate source.” App. Br. 14; *see* Final Act. 9. Appellants then assert that “Hassett merely stores previously retrieved data” and, therefore, “fails to specifically teach” a directory server that continuously maintains external attributes as a duplicate

source. App. Br. 15. Appellants acknowledge that Hassett teaches “maintaining a refreshed cache” and relying on the most recently cached data until a fetch operation successfully obtains updated data. Reply Br. 4. But Appellants assert that “Bell as modified by Hassett merely teaches storing previously retrieved data in a cache.” *Id.* at 3.

We agree with the Examiner that the combination of Bell and Hassett teaches a directory server with internal attributes and external attributes that continuously maintains the external attributes as a duplicate source. *See* Final Act. 6–7, 9; Ans. 3–4. Bell discloses a directory server that stores values for “relatively static” attributes. Bell ¶¶ 86, 90, Fig. 7 (enhanced LDAP server 24'). Bell explains that the directory server obtains values for dynamic or “real time” attributes from external data sources. *Id.* ¶¶ 64, 86, 91–92, 131 Fig. 7 (real-time data sources 54). Bell’s “relatively static” attributes correspond to the claimed “internal attributes,” while Bell’s dynamic or “real time” attributes correspond to the claimed “external attributes.” *See* Ans. 3–4. As for Hassett’s “refreshed cache,” it contains duplicate data with respect to the external source, at least when initially refreshed. *See* Hassett 21:9–15.

Thus, the Bell-Hassett combination teaches a directory server storing internal attributes and external attributes that may serve as a duplicate source. *See* Ans. 5. That combination also teaches continuously maintaining the external attributes in storage until a fetch operation successfully obtains updated data. Hassett 21:9–15; *see* Adv. Act. 2; Ans. 5; *see also* Reply Br. 4. Once that occurs, the cache will continuously maintain the updated data until the next successful fetch operation. Hassett 18:33–34, 21:12–14.

EXTERNAL ATTRIBUTES CONTINUOUSLY MAINTAINED THAT INCLUDE  
LIGHTWEIGHT DIRECTORY ACCESS PROTOCOL (LDAP) INFORMATION

Claim 1 requires “external attributes continuously maintained” that include “lightweight directory access protocol [LDAP] information about an object” and have “an attribute type associated with a syntax that defines” the storable values. App. Br. 20 (Claims App.). The Examiner finds that MacLeod discloses “external attributes continuously maintained” that include LDAP information about an object where an LDAP syntax defines the storable values. Final Act. 10; Ans. 5–6.

Appellants argue that the references fail to disclose “external attributes continuously maintained” that include LDAP information about an object where an LDAP syntax defines the storable values. App. Br. 14. In particular, Appellants contend that “all that MacLeod arguably teaches (with respect to the present claims) is an attribute type associated with a syntax that defines the kind of values that can be stored in the directory server.” App. Br. 15. Appellants also contend that MacLeod simply discusses “a name used by LDAP clients to read/write” an attribute and, therefore, “fails to teach maintaining LDAP information about an object.” Reply Br. 4–5. Appellants further contend that MacLeod “fails to specifically teach” a directory server that continuously maintains external attributes as a duplicate source and “does nothing to cure the deficiency of the combined references.” App. Br. 15.

We agree with the Examiner that MacLeod discloses “external attributes continuously maintained” that include LDAP information about an object where an LDAP syntax defines the storable values. MacLeod ¶¶ 36, 45; *see id.* ¶¶ 24, 30, 33–34, Fig. 4. Among other things, MacLeod

describes reading and writing attribute values using the LDAP protocol. *Id.* ¶ 36. Reading attribute values using the LDAP protocol denotes use of the LDAP syntax as well as storage of the values at the locations read from. Similarly, writing attribute values using the LDAP protocol denotes use of the LDAP syntax as well as storage at the locations written to. Attribute values stored according to the LDAP syntax correspond to the claimed “external attributes continuously maintained.” In addition, we note that Bell explains that a directory server preferably “adheres to LDAP standards and protocols.” Bell ¶ 64; *see* Final Act. 6.

As for Appellants’ contention that MacLeod “fails to specifically teach” a directory server that continuously maintains external attributes as a duplicate source, the Examiner does not rely on MacLeod for that feature. As explained above, the Bell-Hassett combination teaches that feature. *See* Ans. 5.

In essence, Appellants address MacLeod individually. App. Br. 15; Reply Br. 4–5. Where a rejection rests on a combination of references, however, an appellant cannot establish nonobviousness by attacking the references individually. *See In re Merck & Co.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986).

Accordingly, Appellants’ arguments have not persuaded us that the Examiner erred in rejecting claim 1 for obviousness based on Bell, Danoyan, Hassett, and MacLeod. Hence, we sustain the obviousness rejection.

*The Rejection of Claims 7, 13, and 19 Under 35 U.S.C. § 103(a)*

When urging patentability, Appellants do not rely on—or even discuss—any differences between the subject matter of independent claims 7, 13, and 19 and the subject matter of claim 1. App. Br. 16–18;

Reply Br. 5. Instead, Appellants present the same patentability arguments for claims 7, 13, and 19 as for claim 1. *Compare* App. Br. 16–18, *with id.* at 14–16. Consequently, we sustain the obviousness rejection of claims 7, 13, and 19 for the reasons applicable to claim 1.

*The Rejection of Claims 2–6, 8–12,  
14–18, and 20–22 Under 35 U.S.C. § 103(a)*

Claims 2–6 depend directly or indirectly from claim 1; claims 8–12 depend directly or indirectly from claim 7; claims 14–18 depend directly or indirectly from claim 13; and claims 20–22 depend directly or indirectly from claim 19. App. Br. 21–31 (Claims App.). Appellants do not present any separate patentability arguments for any dependent claims. App. Br. 18; Reply Br. 3–5. Because Appellants do not argue the dependent claims separately, we sustain the obviousness rejection of the dependent claims for the reasons applicable to the independent claims. *See* 37 C.F.R. § 41.37(c)(1)(iv).

DECISION

We affirm the rejection of claims 1–22 on the ground of obviousness-type double patenting.

We affirm the rejection of claims 1–22 under 35 U.S.C. § 103(a).

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