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EXAMINER
CONAWAY, JAMES E

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte VENKATA RAMANA KARPURAM

Appeal 2015-005578
Application 12/015,348[1]
Technology Center 2400

Before ST. JOHN COURTENAY III, LARRY J. HUME, and CARL L. SILVERMAN, *Administrative Patent Judges*.

SILVERMAN, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's Non Final Rejection of claims 1–4, 6–13, and 15–20, which constitute all the pending claims. Final Act. 1–3. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

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[1] Appellant identifies the real party in interest as Oracle International Corporation. Br. 4.

STATEMENT OF THE CASE

The disclosed and claimed invention relates to automatically discovering and monitoring enterprise components. Abstract.

Claim 1, reproduced below, is exemplary of the subject matter on appeal:

> 1. A method for providing automatic discovery and monitoring of enterprise components, the method comprising (disputed limitation emphasized):
>
> discovering a new enterprise component in an enterprise environment by scanning the enterprise environment for an item of metadata associated with the new enterprise component, wherein the new enterprise component provides a functionality to an enterprise application that runs in the enterprise environment;
>
> *analyzing the metadata to determine a monitoring instruction that specifies a monitoring system used to manage the new enterprise component,* wherein the monitoring system is also used to manage at least another enterprise component in the enterprise environment; and
>
> monitoring the new enterprise component according to the monitoring instruction.

Br. 23. (Claims Appx.).

THE REJECTIONS

Claims 10–13 and 15–18 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Non Final Act. 2–3.

Claims 1–4, 6–13, and 15–20 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Doshi et al. (US 7,506,044 B2; issued Mar. 17, 2009) ("Doshi") in view of Kumano et al. (US 7,222,174 B2; issued May 22, 2007) ("Kumano"). Final Act. 3–10.

ANALYSIS

The § 101 rejection

The Examiner finds claims 10–13 and 15–18 are directed to a computer readable storage medium, and, according to its ordinary and customary usage in the art, a computer readable storage medium may refer to non-statutory media such as signals and carrier waves, which store data, albeit temporarily. Therefore, the Examiner concludes these claims are directed to non-statutory subject matter. Non Final Act. 2.

Appellant presents no arguments regarding this rejection and we agree the Examiner's finding and conclusion are in accord with our binding precedent. *See Ex parte Mewherter*, 107 USPQ2d 1857 (PTAB 2013) (precedential); *see also In re Nuijten*, 500 F.3d 1346, 1356–57 (Fed. Cir. 2007); and U.S. Patent & Trademark Office, *Subject Matter Eligibility of Computer Readable Media*, 1351 Off. Gaz. Pat. Office 212 (Feb. 23, 2010).

In view of the above, we sustain the § 101 rejection of claims 10–13 and 15–18.

The § 103 rejection

Appellants argue Doshi and Kumano do not teach the claim 1 limitation "analyzing the metadata to determine a monitoring instruction that specifies a monitoring system used to manage the new enterprise component." Br. 15–22.

According to Appellants, the Examiner concedes in the Non Final Office Action that Doshi does not teach "analyzing the metadata to determine a monitoring instruction that specifies a monitoring system used to manage the new enterprise component" and relies on Kumano for this

teaching. Br. 16–17. Appellant then argues the Examiner errs in finding Kumano (column 6, lines 3–12) teaches this limitation. *Id.* at 17.

Appellant also argues the Examiner's combination of Doshi and Kumano is improper because the Examiner "has attributed principles of operation to the Kumano cited art that is nowhere disclosed in either Doshi or Kumano." Br. 19. In particular, Appellant argues Doshi and Kumano do not teach the disputed limitation, discussed *supra*, and "the combination of Doshi and Kumano at most produces a system where a terminal can discover each other via a single management console, or via a management console assigned to the local terminal or local agent (e.g., not associated with the agent being monitored). *Id.* 20–21.

In the Non Final Office Action, the Examiner relies on Doshi for the limitation "discovering a new enterprise component . . ." and on Kumano for the disputed limitation "analyzing. . . ." Non Final Act. 3–4. (citing Doshi col.6, ll. 7–21, col. 4, ll. 15–23; Kumano col. 2, ll. 24–36; Fig. 12). The Examiner also relies on Kumano for the limitation "monitoring the new enterprise. . . ." *Id.* at 4 (citing Kumano col. 2, ll. 42–45).

In response to Appellant's arguments, the Examiner additionally finds Doshi (as well as Kumano) teaches the disputed limitation. Ans. 13–15. In particular, the Examiner finds Doshi teaches:

> analyzing metadata to discover a new enterprise component and to determine a monitoring instruction. See Doshi: S401, S404 of FIG. 4, col. 6 lines 7-30. This discovery process provides e.g. event instructions which a client (202) having a GUI (205) uses to monitor the various aspects of the enterprise components. See Doshi: col. 5 lines 45-65, col. 8 lines 50-63 *[For each metric, an agent can accept user-defined policies ...]*. Additionally the metadata also may be considered to be instructions because it instructs the end user as to the current state of the object so that

> the user may alter its configuration. See Doshi: col. 5 lines 25-30.

Ans. 13.

Regarding the combination of Doshi and Kumano, the Examiner finds Doshi and Kumano are structurally similar systems and Doshi employs:

> a single entity (207) that is responsible for monitoring and controlling all of the devices (212) in the system. In contrast, Kumano distributes this responsibility across multiple entities (30, 40). Examiner's proposed combination is to employ Kumano's technique in Doshi, such that there would be multiple Managers (207), in order to provide the benefit of making the system more scalable i.e. able to accommodate a greater number of monitored entities.
>
> Accordingly it would have been obvious, especially given the similar discovery processes in both systems, to augment the metadata of Doshi to specify the monitoring system responsible for each managed object according to the technique of Kumano in order to achieve these ends.

Ans. 17.

We are not persuaded by Appellant's arguments and, instead, agree with the Examiner's findings above that *Doshi* teaches the disputed limitation, and the combination of Doshi and Kumano teaches all the limitations of claim 1. Ans. 13–15. Moreover, Appellant presents no persuasive evidence that the Examiner's claim interpretation is overly broad, unreasonable, or inconsistent with Appellant's Specification, as applied to the additional findings regarding Doshi discussed, *supra*.

We also agree with the Examiner's findings above regarding the combination of Doshi and Kumano, and note Appellant's arguments do not address the Examiner's findings regarding Doshi's teaching of the disputed

limitation. Ans. 13–15; Br. 12–19. We further note Appellant has not filed a Reply Brief to rebut the Examiner's factual findings and legal conclusions.

In view of the above, we sustain the rejection of claim 1, and independent claims 10 and 19 which recite the disputed limitation in commensurate form, and which are argued together with claim 1. Br. 15. We also sustain the rejection of dependent claims 2–4, 6–9, 11–13, 15–18, and 20 as these claims are not separately argued. *See* 37 C.F.R. § 41.37(c)(1)(iv).

DECISION

We affirm the Examiner's decision rejecting claims 10–13 and 15–18 under 35 U.S.C. § 101.

We affirm the Examiner's decision rejecting claims 1–4, 6–13, and 15–20 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)(1)(IV).

AFFIRMED