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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/260,127	09/23/2011	Jerry G Aguren	82853099	1076
56436	7590	11/02/2016	EXAMINER	
Hewlett Packard Enterprise 3404 E. Harmony Road Mail Stop 79 Fort Collins, CO 80528			SHIAU, SHEN C	
			ART UNIT	PAPER NUMBER
			2174	
			NOTIFICATION DATE	DELIVERY MODE
			11/02/2016	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JERRY G. AGUREN

Appeal 2016-000500
Application 13/260,127
Technology Center 2100

Before JASON V. MORGAN, JOSEPH P. LENTIVECH, and
AARON W. MOORE, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant¹ appeals under 35 U.S.C. § 134(a) from a Final Rejection of claims 1–3 and 5–21, which are all of the pending claims. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

THE INVENTION

The application is directed to “a method that generates a map of a system” where “[t]he map includes an icon that is divided into multiple parts that depict different operational information about a device in the system.”

(Abstract.) Claim 1, reproduced below, is illustrative:

1. A method executed by a computer, comprising:

generating a topology map with icons that represent devices in a storage system; and

displaying one of the icons including a plurality of subparts within the one icon with each of the subparts presenting different state information about one of the devices in the storage system, wherein each of the plurality of subparts within the one icon indicates a status of a different hardware or software component of the one of the devices.

THE REFERENCES

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Dev et al.	US 5,261,044	Nov. 9, 1993
Taguchi	US 5,815,080	Sept. 29, 1998

¹ Appellant identifies Hewlett-Packard Development Company, LP as the real party in interest. (*See* App. Br. 1.)

Holzmann	US 5,826,017	Oct. 20, 1998
Skare	US 2011/0039237 A1	Feb. 17, 2011

THE REJECTIONS

1. Claims 1–3, 5–7, 9–17, 20, and 21 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Dev. (*See* Final Act. 5–12.)
2. Claim 8 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Dev and Skare. (*See* Final Act. 12–13.)
3. Claim 18 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Dev and Taguchi. (*See* Final Act. 13.)
4. Claim 19 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Dev and Holzmann. (*See* Final Act. 13–14.)

APPELLANT’S CONTENTIONS

Appellant argues that the rejections are in error for the following reasons:

1. “Dev does not disclose or suggest that each of the plurality of subparts of the ‘multifunction icon’ indicates a status of a different hardware or software component of a device” and “the provided rationale is insufficient to establish a prima facie case of obviousness.” (App. Br. 6, 10, emphasis omitted.)
2. Regarding claim 12, “the cited portions of Dev reveals that they say nothing whatsoever regarding an operating system layer, an application layer, an interface layer, or a driver layer.” (App. Br. 12.)

3. Regarding claim 20, “the cited portions of Dev reveals [sic] that they say nothing whatsoever regarding . . . coloring a cable, or displaying an expandable box on the cable.” (App. Br. 13, emphasis omitted.)

4. Regarding claim 18, “Taguchi says nothing whatsoever regarding a direction of the arrow that represents a transmitter status” and “[f]urther, the cited portion of Taguchi says nothing whatsoever regarding a color of the arrow that defines a transmitter state.” (App. Br. 15, emphasis omitted.)

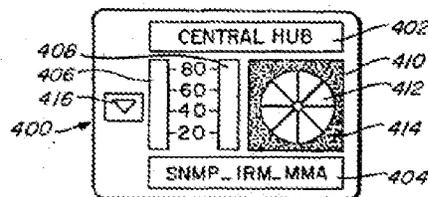
5. Regarding claim 19, “Holzmann says nothing whatsoever regarding a direction of the arrow that represents a receiver status” and “[f]urther, the cited portion of Holzmann says nothing whatsoever regarding a color of the arrow that defines receiver state.” (App. Br. 16, emphasis omitted.)

ANALYSIS

“a status of a different hardware or software component of the one of the devices”

The Examiner points to Figure 9 of Dev, shown below, as teaching or suggesting that “each of the plurality of subparts . . . indicates a status of a different hardware or software component of the one of the devices”:

Fig. 9



“FIG. 9 is a schematic diagram of a multifunction icon employed in the user display views” (Dev 3:59–60)

We agree with the Examiner that this figure and the accompanying text teach an icon with a plurality of subparts (e.g., the background area 414 and the bars 406, 408) that indicate the status of different components (e.g., the device itself in 414 and a portion of the device that handles communications in 406 and 408). Appellant’s argument that “a person of ordinary skill in the art will readily appreciate that areas that represent the **status and performance of the same ‘network entity,’** as described in Dev, are **clearly not each indicating the status of a different hardware or software component of a device**” (App. Br. 7) is not persuasive because Dev’s overall device status and networking performance indicators do concern different hardware and/or software components of the network entity. Nor are we persuaded by Appellant’s argument concerning a motivation, because, as explained above, the reference does not need to be modified to teach what Appellant claims.

For these reasons, we sustain the rejection of claim 1, as well as the rejections of claims 2–3, 5–11, 13–17, and 21, for which no additional arguments are offered.

Claim 12

The Examiner explains that Dev’s multifunction icon “can include different information and areas depending on the device being represented and the information that is required” and that “it is well understood by one of ordinary skill in the art that these hardware and software components can include OS, applications, interface or a driver, etcetera.” (Ans. 3–4.) We do not agree that the Examiner’s findings are “conclusory” and “lack[] the ‘articulated reasoning’ required by *KSR*.” (App. Br. 3.) Dev teaches an icon reporting the status of a plurality of components of a device, the claimed

layers are components of the device for which one skilled in the art might desire status information, and it would have been obvious to use Dev's informational icon to display that particular information. The rejection of claim 12 is, therefore, sustained.

Claim 20

The Examiner found that Dev teaches or suggests both coloring a cable to indicate a state of the cable, and displaying an expandable box on a cable to provide further information. (*See* Final Act. 12.) Appellant argues that “a review of the cited portions of Dev reveals that they say nothing whatsoever regarding . . . coloring a cable, or displaying an expandable box on the cable.” (App. Br. 13, emphasis omitted.)

We agree with the Examiner that Dev teaches representing cables in a model (*see, e.g.*, Dev 5:44–46 (“The models represent network devices such as . . . cables . . . and the like.”)), that color can be used to represent a status (*see, e.g.*, Dev 15:22–23 (“representing the status of the network device by different colors”)), and providing additional information about a device (*see, e.g.*, Dev 15:25–27 (“Some or all of the areas of the icon can be clicked upon to obtain additional information regarding the network device.”)). Because the skilled artisan would have been “able to fit the[se] teachings . . . together like pieces of a puzzle,” *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 420, 421 (2007), we sustain the rejection of claim 20.

Claims 18 and 19

Claim 18 recites “displaying at least one of the subparts as an arrow” where “a direction of the arrow represents transmitter status and a color of the arrow defines transmitter state,” while claim 19 recites an arrow where the “direction of the arrow represents receiver status and a color of the arrow

defines receiver state.” The Examiner finds with respect to claim 18 that Taguchi’s use of an arrow to denote transmission would have made it obvious to use an arrow to represent the status of a device as a transmitter. (*See* Final Act. 13.) The Examiner finds with respect to claim 19 that Holzmann’s use of an arrow similarly would have rendered it obvious to use an arrow to represent the status of a device as a receiver. (*Id.*) Given “the inferences and creative steps that a person of ordinary skill in the art would employ,” *KSR*, 550 U.S. at 418, we agree that the art teaches or suggests the use of arrows to denote the direction of transmission, and thus the status of a device as transmitter or receiver, as well as the use of colors to denote device state, rendering these claims obvious. We therefore sustain the rejections of claims 18 and 19.

DECISION

The rejections of claims 1–3 and 5–21 are 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