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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* SHIV HARIS and SURESH VOBBILISSETTY

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Appeal 2016-001353  
Application 13/184,526<sup>1</sup>  
Technology Center 2400

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Before JOSEPH L. DIXON, SCOTT B. HOWARD, and  
JOHN D. HAMANN, *Administrative Patent Judges*.

HAMANN, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants file this appeal under 35 U.S.C. § 134(a) from the Examiner’s Final Rejection of claims 1–27. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

THE CLAIMED INVENTION

Appellants’ claimed invention relates to “managing [the] configuration of devices in a network.” Spec. ¶ 3. Claim 1 is illustrative of the subject matter of the appeal and is reproduced below.

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<sup>1</sup> According to Appellants, the real party in interest is Brocade Communications Systems, Inc. App. Br. 1.

1. A switch, comprising:
  - a processor;
  - a computer-readable storage medium storing instructions which when executed by the processor causes the processor to perform a method, the method comprising:
    - storing a data structure representing a set of business logic which is triggered by a configuration command from a command interface, a condition, or both, wherein the business logic specifies inter-dependencies of changes to configuration of the switch; and
    - determining whether the changes are allowed in the switch based on compliance with the business logic;
    - applying the changes to the configuration of the switch in response to determining that the changes are allowed.

#### REJECTIONS ON APPEAL

(1) The Examiner rejected claims 1, 4–8, 10, 13–17, 19, and 22–26 under 35 U.S.C. § 103(a) as being unpatentable over Shafer et al.

(US 8,799,980 B2; issued Aug. 5, 2014) (hereinafter “Shafer”).

(2) The Examiner rejected claims 2, 3, 9, 11, 12, 18, 20, 21, and 27 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Shafer and Lee (US 8,078,704 B2; issued Dec. 13, 2011).

#### ANALYSIS

We have reviewed the Examiner’s rejections in light of Appellants’ contentions that the Examiner erred. In reaching our decision, we consider all evidence presented and all arguments made by Appellants.

We disagree with Appellants’ arguments, and we incorporate herein and adopt as our own the findings, conclusions, and reasons set forth by the

Examiner in (1) the January 5, 2015 Final Office Action (Final Act. 2–5) and (2) the September 10, 2015 Examiner’s Answer (Ans. 2–8). We highlight and address, however, specific findings and arguments below for emphasis.

(1) *Business logic*

Appellants argue Shafer fails to teach or suggest “determining whether the changes are allowed in the switch based on compliance with the business logic,” as recited in claim 1, and similarly recited in claims 10 and 19. App. Br. 7–8. Specifically, Appellants argue Shafer instead teaches business rules — general patterns or facts about business (e.g., business units) — and that business rules do not refer to individual network devices, nor specify configurations therefor. *See id.* (citing Shafer col. 3, ll. 58–67); Reply Br. 8–9 (citing same). Appellants also argue that Shafer teaches network devices do not necessarily implement every configuration change request, and such a request also “is checked against the device-specific configuration policies for that switch.” Reply Br. 10 (citing Shafer col. 6, 52–60). Lastly, Appellants contend the “Examiner has treated the business rule of Shafer as the business logic of the claim limitations[, and in light of] . . . Shafer’s explicit distinction between business logic and device-specific configuration information,” Shafer does not teach or suggest the disputed limitation. *See* Reply Br. 10–11 (citing Ans. 6–7, Shafer Abstract).

The Examiner finds Shafer teaches or suggests the disputed limitation. *See* Ans. 6–7. Specifically, the Examiner finds Shafer teaches “defining business rules/logic which is used to configure and reconfigure” network devices (e.g., switches, routers) and “determining whether the changes are allowed based on compliance with the business rules/logic.” *See* Ans. 6 (citing Shafer col. 3, ll. 55–67; col. 6, ll. 52–60); *see also* Final Act. 2 (citing

Shafer col. 6, ll. 52–54). The Examiner also finds the claim language “do[es] not require business rules/logic to be implemented at any particular level of abstraction, i.e., at (lower) device level or at (higher) network level,” and that “Shafer clearly teaches using network level business rules/logic to configure the network devices.” *See* Ans. 6–7 (citing Shafer col. 3, ll. 55–67). Furthermore, the Examiner also finds Shafer “also teaches using other (lower-level) rules to define relationship (or interdependency) between the business logic/rules.” Ans. 7 (citing Shafer col. 4, ll. 27–38).

We agree with the Examiner’s findings and adopt them as our own. We find Shafer teaches or suggests determining whether to re-configure a network device based on compliance with the business logic. *See* Shafer col. 3, ll. 65–67 (teaching rules which describe a business policy regarding a network); col. 4, ll. 27–38 (teaching additional rules which describe a relationship between a business policy and a device-specific configuration to be deployed in the network); col. 6, ll. 52–60 (teaching determining whether a re-configuration request is allowed by the device-specific configuration policy). We disagree with Appellants’ premise that the Examiner (or that we should) draws a clear divide between the teachings of business rules and network design rules with respect to the claimed business logic. *See In re Mouttet*, 686 F.3d 1322, 1331 (Fed. Cir. 2012) (“A reference may be read for all that it teaches, including uses beyond its primary purpose.”) (citations omitted); *see also* Ans. 6–7 (citing Shafer’s columns 3 and 6 for Shafer’s teachings that business rules/logic can be used to reconfigure devices (e.g., switches) based on whether the changes comply with the business rules/logic); Final Act. 2–3 (“Shafer . . . teaches that the business logic comprises [a] set of rules that depend on each other (see col 5, lines 30-55),

wherein each rule specifies a change to configuration of the switch (see col 4, lines 1-13).”). We also disagree with Appellants’ argument regarding network devices not necessarily implementing every configuration change request — such an argument does not serve to contradict the broadest reasonable interpretation of the claim language, including as it does not preclude being also based on additional checks.

(2) *Inter-dependencies of configuration changes*

Appellants argue Shafer fails to teach or suggest that “the business logic specifies inter-dependencies of changes to configuration of the switch,” as recited in claim 1, and similarly recited in claims 10 and 19. App. Br. 7–8. Specifically, Appellants argue Shafer’s teaching of one rule triggering another relates to high-level business policies, and is not the same as the disputed limitation. *See* App. Br. 8 (citing Shafer col. 4, ll. 1–14; col. 5, ll. 30–55). Appellants also argue that the Examiner modifies Shafer so as to change the principle of operation of Shafer “because [the] Examiner has attributed principles of operation to the Shafer cited art that are not disclosed in Shafer.” App. Br. 10. Appellants again argue Shafer teaches “business logic . . . describes general patters of facts and business units,” and Shafer’s business rules “typically do not use facts that refer[] to device specific information, [and] thereby maintain a level of abstraction and independence from the particulars of the network.” *Id.* at 10–12 (citing Shafer col. 4, ll. 49–57) (emphasis omitted); *see also* Reply Br. 9.

The Examiner finds Shafer teaches or suggests the disputed limitations. *See* Ans. 7; Final Act. 2–3. Specifically, the Examiner finds “Shafer . . . teaches that the business logic comprises [a] set of rules that depend on each other (see col 5, lines 30-55), wherein each rule specifies a

change to configuration of the switch (see col 4, lines 1-13).” Final Act. 3; *see also* Ans. 8 (citing Shafer col. 5, ll. 13–43; col. 6, ll. 52–60) (finding the business logic provides interdependency so that a network device configuration may not be allowed based solely on another business rule). The Examiner also disagrees with Appellants’ arguments regarding an improper change of principle operation, and instead finds Shafer, without any alleged modification, teaches or suggests the disputed limitation. *See* Ans. 8.

We agree with the Examiner’s findings and adopt them as our own. In accordance with our above findings, we find Shafer teaches or suggests business logic (e.g., rules directed at business policy and associated rules directed to device configuration) that specifies inter-dependencies of changes to configuration of network devices. *See, e.g.*, Shafer col. 5, ll. 13–43 (“In other words, one rule may trigger another.”); col. 6, ll. 52–60 (teaching checking device specific configuration policy when receiving a configuration change request, which can relate to other business or device related facts or rules, as discussed in Shafer’s fifth column). Additionally, we find Appellants’ argument that the Examiner modifies Shafer so as to change its principle of operation unsupported.

(3) *Waived arguments*

Appellants raise arguments for the first time in the Reply Brief, including those that separately address dependent claims, without a showing of good cause. *See* Reply Br. 12–19. These arguments are waived. *See* 37 C.F.R. § 41.41(b)(2) (2012); *see also Ex parte Borden*, 93 USPQ2d 1473, 1474 (BPAI 2010) (informative) (“[T]he reply brief [is not] an opportunity to make arguments that could have been made in the principal brief on

appeal to rebut the Examiner's rejections, but were not.”).

### CONCLUSION

Based on our findings above, we sustain the Examiner's rejection of claims 1, 10, and 19. We also sustain the Examiner's rejection of the remaining claims on appeal for which Appellants did not provide considered, separate arguments for patentability.

### DECISION

We affirm the Examiner's rejections of claims 1–27.

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