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Clements Bernard Walker 4500 Cameron Valley Parkway Suite 350 Charlotte, NC 28211			ZHANG, ZHENSHENG	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MARC HOLNESS

Appeal 2019-001800
Application 14/724,654
Technology Center 2400

Before JEFFREY S. SMITH, IRVIN E. BRANCH, and
AMBER L. HAGY, *Administrative Patent Judges*.

SMITH, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the rejection of claims 1, 4, 6–10, 12, 14, 17, and 19–23, which are all the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Illustrative Claim

1. A method for connecting a plurality of networks, comprising:

establishing a first interconnection link of a virtual network between a first network element located on a first network and a second network element located on a second network, wherein the first interconnection link of the virtual network implements an interconnection that provides communication between a first plurality of nodes in the first network and a second plurality of nodes in the second network;

establishing a network link of the virtual network with the first network element and within the first network;

detecting, over the virtual network, a fault regarding the first interconnection link;

in response to detecting the fault on the first interconnection link, adjusting the interconnection between the first network and the second network to a second interconnection link of the virtual network that is different from the first interconnection link; and

designating, by an interconnection network protocol operating on the virtual network, the network link as an unmonitored network link; and

blocking, by the first network element and in response to designating the network link as the unmonitored network link, a port on the first network element that results in all network event messages associated with a second fault on the unmonitored network link being disregarded.

Prior Art

Name	Reference	Date
Omuro	US 5,241,534	Aug. 31, 1993
Nishino	US 2006/0114817 A1	June 1, 2006
Petersen	US 2008/0221918 A1	Sept. 11, 2008
Rose	US 2009/0316571 A1	Dec. 24, 2009
Nakash	US 2012/0147740 A1	June 14, 2012

Examiner's Rejections

Claims 1, 4, 6, 7, 9, 10, 12, 14, 17, and 19 stand rejected under 35 U.S.C. § 103 as unpatentable over Nakash, Petersen, and Nishino.

Claims 8 and 20 stand rejected under 35 U.S.C. § 103 as unpatentable over Nakash, Petersen, Nishino, and Omuro.

Claims 21–23 stand rejected under 35 U.S.C. § 103 as unpatentable over Nakash, Petersen, Nishino, and Rose.

ANALYSIS

We adopt the findings of fact from the Final Action and Examiner's Answer as our own. We agree with the conclusions reached by the Examiner for the reasons given in the Final Action and Examiner's Answer. We address the following arguments from the Reply Brief to complete the record.

Section 103 rejections of claims 1, 4, 6, 7–9, 10, 12, 14, 17, 19, and 20

Claim 1 recites “designating . . . the network link as an unmonitored network link” and “blocking . . . a port on the first network element that results in all network event messages associated with a second fault on the unmonitored network link being disregarded.” Appellant contends that

Petersen teaches monitoring network components, but does not teach monitoring or unmonitoring network links. Reply Br. 1–2.

The Examiner finds that Nakash teaches monitoring network links, and if a link fails, forwarding traffic to another link. Final Act. 4, citing Nakash ¶¶ 88, 90, 140 (“[E]ach of the d-PWs and i-PWs is monitored at least at the receiving direction, so in case of fault the GW will detect it and can take an action.”). The Examiner finds that Petersen teaches monitoring components that are of interest, and not monitoring components that are not of interest. Ans. 6, citing Petersen ¶ 42. We agree with the Examiner that a link of Nakash that fails and no longer carries traffic would not be of interest and, therefore, would not be monitored as suggested by Petersen.

Further, Appellant’s contentions that the “prior art [other than Nakash] is completely unrelated,” and that the claims “are allowable over the prior art,” are inconsistent with paragraphs 119–131 of Rose. *See* Reply Br. 3. Contrary to Appellant’s contentions, paragraphs 119-131 of Rose describe “designating . . . the network link as an unmonitored network link” and “blocking . . . a port on the first network element that results in all network event messages associated with a second fault on the unmonitored network link being disregarded” as claimed. *See* Rose ¶ 119 (A “node in the protection state shall ignore any . . . message if the failure number in the message is strictly inferior than its own”); *see id.* ¶¶ 125, 126, 131 (“Assume there is a failure 212 on link 214 between node 5 and node 6. [Node] 5 and node 6 respectively block ports 216 and 218 on failed link 214 The R-APS1(NR,RB) message is discarded.”).

We sustain the rejection of claim 1 under 35 U.S.C. § 103. Claims 4, 6, 7–9, 10, 12, 14, 17, 19, and 20, which were not argued separately, fall

with claim 1.

Section 103 rejection of claims 21–23

Claim 21 recites “the first interconnection link is designated by a spanning tree protocol that is operated by the first network for transporting network data to the second network.” Appellant contends Nakash mentions spanning tree protocol but does not suggest its use to designate the interconnection link. Reply Br. 2–3. According to Appellant, “this [claimed] aspect [of designating the first interconnection link] involves Appellant’s solution to how proper dual-homing operates.” *Id.*

Nakash teaches a technique for configuring a dual homing interconnection between communication networks using the spanning tree protocol and its variants. Nakash, Title, Abstract, ¶ 11. Appellant has not persuasively distinguished designating the first interconnection link by a spanning tree protocol, as claimed, from configuring a dual homing interconnection between communication networks using the spanning tree protocol, as described by Nakash.

We sustain the rejection of claim 21 under 35 U.S.C. § 103. Claims 22 and 23, which were not argued separately, fall with claim 21.

DECISION

The rejection of claims 1, 4, 6, 7, 9, 10, 12, 14, 17, and 19 under 35 U.S.C. § 103 as unpatentable over Nakash, Petersen, and Nishino is affirmed.

The rejection of claims 8 and 20 under 35 U.S.C. § 103 as unpatentable over Nakash, Petersen, Nishino, and Omuro is affirmed.

The rejection of claims 21–23 under 35 U.S.C. § 103 as unpatentable over Nakash, Petersen, Nishino, and Rose is affirmed.

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 4, 6, 7, 9, 10, 12, 14, 17, 19	103	Nakash, Petersen, Nishino	1, 4, 6, 7, 9, 10, 12, 14, 17, 19	
8, 20	103	Nakash, Petersen, Nishino, Omuro	8, 20	
21–23	103	Nakash, Petersen, Nishino, Rose	21–23	
Overall Outcome			1, 4, 6–10, 12, 14, 17, 19–23	

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. § 41.50(f).

AFFIRMED