

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 26

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KEVIN M. WORKMAN, STEVEN B. DOWNS, MIKEL J. FEATHERSTON,
and EARL N. WAUD

Appeal No. 2002-0748
Application No. 09/053,379

ON BRIEF

Before HAIRSTON, BLANKENSHIP, and SAADAT, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 51. After the submission of the brief, the examiner allowed claims 46 through 51, and objected to claims 9, 11 through 14, 29, 31 through 34 and 42 through 45 as being dependent upon rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims (answer, page 2).

Appeal No. 2002-0748
Application No. 09/053,379

Accordingly, claims 1 through 8, 10, 15 through 28, 30 and 35 through 41 remain before us on appeal.

The disclosed invention relates to a method and system for archiving a redundant file in a predetermined number of computer workstations within a computer network, and to a method for restoring a file from an archival storage area to a computer workstation.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method for intelligently managing data while creating an archive of computer workstations in a computer network, comprising the steps of:

- (1) creating a signature of a file;
- (2) determining whether said file is a redundant file present in a pre-determined number of computer workstations within the computer network based on said signature; and
- (3) if said file is a redundant file, then:
 - (a) copying said redundant file to a common storage area;
 - (b) updating a commonality list with said signature of said redundant file;
 - (c) assigning said redundant file a commonality list identification number; and
 - (d) placing said commonality list identification number, but not said redundant file, into an archive storage area which is separate and distinct from said common storage area.

Appeal No. 2002-0748
Application No. 09/053,379

The references relied on by the examiner are:

Kanfi	5,559,991	Sep. 24, 1996
Crouse et al. (Crouse)	5,764,972	Jun. 9, 1998
	(effective filing date	Feb. 1, 1993)

Claims 1 through 8, 10, 15 through 28, 30 and 35 through 41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kanfi in view of Crouse.

Reference is made to the briefs (paper numbers 16 and 20) and the answer (paper number 18) for the respective positions of the appellants and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the obviousness rejection of claims 1 through 8, 10, 15 through 28, 30 and 35 through 41.

The file backup technique disclosed by Kanfi is concerned with redundant blocks of data in a single file (e.g., file F1) in a single computer (e.g., PC 10-1) in a computer network 20 (Figure 1). A signature is created by PC 10-1 for each block of the file F1 to be archived by archival computer 110 in memory 30-1 during an archival operation (column 2, lines 65 through 67). During a subsequent archival operation involving the same file F1 and the PC 10-1, only blocks with changed signatures are sent to the archival memory 30-1 (column 3, lines 1 through 5). The

Appeal No. 2002-0748
Application No. 09/053,379

archival computer 110 stores messages or flags from the PC 10-1 that blocks from two different archival operations are the same (column 3, lines 52 through 61). In order to perform file restoration, the Kanfi system must look to the archival computer 110 and the associated archival memory 30-1 for both the archival location identification information and the archived file F1 (column 5, lines 5 through 15; column 6, line 47 through column 7, line 18).

The examiner's contentions (answer, pages 4 and 5) to the contrary notwithstanding, Kanfi does not determine whether the file F1 "is a redundant file present in a pre-determined number of computer workstations within the computer network based on said signature" (claims 1 through 8, 10, 19 through 28, 30 and 35 through 41) (brief, page 6). As indicated supra, Kanfi is only concerned with redundant blocks of data in the file F1 in the single PC 10-1. The examiner acknowledges (answer, page 5) that the above-noted "message or flag is stored in the archive." If the message or flag is stored in the archive along with the redundant file F1, then Kanfi neither teaches nor would have suggested to one of ordinary skill in the art the placement of the redundant file F1 in a common storage area, and the placement of the identification message or flag in the archival storage

Appeal No. 2002-0748
Application No. 09/053,379

area (claims 1 through 8, 10, 15 through 28, 30 and 35 through 41) (brief, page 10). Thus, even if we assume for the sake of argument that the skilled artisan would have found it obvious to use the file attribute teachings of Crouse to determine where all files are archived, the claimed invention would still not be met by the combined teachings of the references since the archived file and the accompanying identification information would be located in the same memory (brief, page 10).

Appeal No. 2002-0748
Application No. 09/053,379

DECISION

The decision of the examiner rejecting claims 1 through 8, 10, 15 through 28, 30 and 35 through 41 under 35 U.S.C. § 103(a) is reversed.

REVERSED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
)	
)	
)	
)	BOARD OF PATENT
HOWARD B. BLANKENSHIP)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
)	
MAHSHID D. SAADAT)	
Administrative Patent Judge)	

KWH/hh

Appeal No. 2002-0748
Application No. 09/053,379

QUALCOMM INC.
PATENTS DEPT.
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121-1714