

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte RANDAL CHILTON BURNS  
and  
DARRELL LONG

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Appeal No. 2003-0100  
Application No. 09/298,663

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ON BRIEF

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Before KRASS, BARRETT and DIXON, Administrative Patent Judges.  
KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-8, 13-19, 23-30 and 34-42. Claims 9-12, 20-22 and 31-33 have been indicated by the examiner as being directed to allowable subject matter and are not before us on appeal.

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The invention is directed to the management of authentication and coherency in a storage area network (SAN), best illustrated by reference to representative independent claim 13, reproduced as follows:

13. For a distributed data storage system having plural data storage devices and plural principals accessing the devices, a computer-implemented method for managing data access in the data storage system, the method comprising the acts of:

notionally associating data elements in the data storage system with colors;

receiving requests for data access from the principals;  
and

selectively issuing tickets in response to the requests, each ticket authorizing at least one type of data access with respect to at least one color, the tickets being generated or not in response to requests to manage data access among the storage devices on the basis of the colors.

The examiner relies on the following references:

Wobber et al. (Wobber)	5,235,642	Aug. 10, 1993
Lawlor et al. (Lawlor)	5,485,626	Jan. 16, 1996

Claims 1-8, 13-19, 23-30 and 34-42 stand rejected under 35 U.S.C. § 103 as being unpatentable over Wobber and Lawlor.

Reference is made to the briefs and answer for the respective positions of appellants and the examiner.

OPINION

At the outset, we note that, in accordance with appellants' grouping of the claims, at page 3 of the principal brief, all claims will stand or fall together. Accordingly, we will focus on independent claim 13.

It is the examiner's position that Wobber discloses the claimed invention but for the explicit use of "selectively issuing tickets . . . each ticket authorizing at least one type of data access . . ." However, the examiner contends that Wobber discloses that each storage system is aware of objects, with each object having an access control list indicating a type of access for each specified principal, pointing to column 2, lines 18-22. The examiner further identifies column 5, lines 29-34, for a teaching, by Wobber, of each storage node having an authentication agent that keeps track of which principles are generally authenticated to access data (see page 3 of the answer). It is the examiner's contention that these teachings, by Wobber, "would have provided the use of selectively issuing data class and access authorizations to principals upon access request" (answer, page 3).

The examiner also points to Lawlor (abstract, column 7, lines 15-43 and column 8) for a teaching of the use of

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selectively issuing tickets in response to requests, and concludes that it would have been obvious to combine Wobber and Lawlor to "incorporate the use for selectively issuing data class and access authorizations thereto in response to a request, in the same conventional manner as disclosed by Lawlor" and that the artisan would have been motivated "to selectively issue a data class and access authorization in response to a request because such a data class and access authorization would provide Wobber's system the enhanced capability increasing the speed and performance of the system" (answer, page 4, first paragraph).

We will not sustain the rejection of claim 13, or any other claim, under 35 U.S.C. § 103 because, in our view, the examiner has not established a prima facie case of obviousness. Instead, the examiner has hit upon the crux of appellants' invention as the difference between the claimed invention and that disclosed in Wobber and, unconvincingly, contends that the claimed subject matter, including that difference, would have been obvious because either the primary reference implicitly discloses that "different" claim limitation or that a secondary reference provides for that claimed limitation.

The instant claimed invention manages data access in a SAN by receiving data access requests from principals and selectively

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issuing data class and access authorizations in response to the requests. The principals present the data class and access authorizations to storage devices so that the principals are allowed access to the data classes on the storage devices. Independent claim 1 calls for "selectively issuing data class and access authorizations" to principals in response to requests for data access. Claim 13 calls for "selectively issuing tickets in response to the requests."

Appellants present a reasonable case by indicating that each storage system 102 of Wobber "includes a fairly powerful processor that is indeed aware of data objects, not just data blocks as is the case with SANs" (principal brief, page 3). It is clear, from Wobber (e.g., column 6, lines 51-52) that each object therein has an associated access control list (ACL). Since each object already has a list of what principals are to be given what access, there is credence to appellants' position that each node of Wobber "is already aware of what data a particular principal is allowed to access and in what way, by means of the ACLs that are associated with each object" (principal brief, page 4, first paragraph).

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Also, as pointed out by appellants, since column 5, lines 29-34, of Wobber indicates that each node's authentication agent maintains an "Auth ID table," which lists the name of the principal and its assigned Auth ID, it is clear that each storage node has an authentication agent that keeps track of what principals are generally authenticated to access data. Accordingly, as explained by appellants, at page 4 of the principal brief, "there would be no need in Wobber . . . for . . . selectively issuing data class and access authorizations to principals upon access request so that the principals can present them to the storage devices to gain access, thereby facilitating management of data access" because the principal, in Wobber, is already authenticated for particular access types to particular objects by means of the ACL of each object.

Moreover, with regard to combining Wobber with Lawlor, the only rationale given by the examiner for the combination is that the artisan would have been "motivated to selectively issue a data class and access authorization in response to a request because such a data class and access authorization would provide Wobber's system the enhanced capability increasing the speed and performance of the system" (answer, page 4, first paragraph). There is no indication, anywhere, in the applied references, that

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such a combination would have resulted in "enhanced capability" or that it would have had any effect in "increasing the speed and performance of the system," as contended by the examiner. Nor is there any indication that the artisan would have had any reason to believe that such advantages would be achieved by the combination made by the examiner.

Further, even if Lawlor can be considered to teach the issuance of tokens for access data, in queues, there would appear to be no reason to issue such tokens in Wobber where the principal is already authenticated for particular access types to particular objects by means of the ACL of each object.

In further explaining the rejection in the response section of the answer, at page 9, the examiner employs exactly the same unsupported rationale as was given when making the rejection and fails to adequately respond to the reasonable points made by appellants. In short, the examiner has failed to convincingly show that there would have been some reasonable rationale for modifying Wobber to provide for selectively issuing data class and access authorizations, or tickets authorizing at least one type of data access, to principals in response to requests for such data access.

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While it would appear that both Wobber and the instant invention would require some type of pre-arrangement, whereby there is some criteria for determining which principal is issued access to which data class, etc., the instant claims require that the selective issuance of the access authorizations be "in response to the requests" by the principals. The examiner has pointed to nothing in the applied references which suggests such an access selectively issued to a principal in response to a request from the principal nor has the examiner adequately explained away this specific claim limitation.

The examiner's decision rejecting claims 1-8, 13-19, 23-30 and 34-42 under 35 U.S.C. § 103 is reversed.

REVERSED

ERROL A. KRASS	)	
Administrative Patent Judge	)	
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LEE E. BARRETT	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
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	)	
JOSEPH L. DIXON	)	
Administrative Patent Judge	)	

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John L. Rodgitz  
Rodgitz and Associates  
750 B St.  
Suite 3120  
San Diego, CA 92101