

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 13

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

***Ex parte*** SHAH MOHAMMED REZAUL ISLAM, VIKRAM HAKAKERE  
KRISHNAMURTHY, and PRASENJIT SARKAR

---

Appeal No. 2003-1603  
Application No. 09/376,832

---

ON BRIEF

---

Before KRASS, GROSS, and BARRY, ***Administrative Patent Judges***.  
GROSS, ***Administrative Patent Judge***.

***DECISION ON APPEAL***

This is a decision on appeal from the examiner's final rejection of claims 6 through 8. Claims 1 through 5 and 12 through 16 have been indicated as being allowed, and claims 9 through 11 have been objected to as being dependent upon rejected base claims.

Appellants' invention relates to a computer system with plural storage volumes wherein a snapshot module invokes a snapshot relationship between the volumes such that read and write requests can be made to any volumes in the relationship.

Appeal No. 2003-1603  
Application No. 09/376,832

Claim 6 is illustrative of the claimed invention, and it reads as follows:

6. A computer system, comprising:

a plurality of storage volumes; and

a snapshot module invoking at least one snapshot relationship between the volumes such that a read or write request can be made to any volume in the relationship, multiple concurrent snapshots and cyclic snapshot operations being facilitated by the system.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Dias et al. (Dias)	5,317,731	May 31, 1994
Blea et al. (Blea)	6,212,531	Apr. 03, 2001
		(filed Jan. 13, 1998)

Claims 6 through 8 stand rejected under 35 U.S.C. § 103 as being unpatentable over Dias in view of Blea.

Reference is made to the Examiner's Answer (Paper No. 11, mailed January 7, 2003) for the examiner's complete reasoning in support of the rejection, and to appellants' Brief (Paper Nos. 8 and 10, filed February 26, 2002 and October 21, 2002, respectively) for appellants' arguments thereagainst.

**OPINION**

Appeal No. 2003-1603  
Application No. 09/376,832

As a preliminary matter, we note that appellants indicate on page 3 of the Brief that the claims all stand or fall together. Further, appellants have presented no arguments as to the separate patentability of any claims. Accordingly, we will address the claims as a single group with independent claim 6 as representative.

We have carefully considered the claims, the applied prior art references, and the respective positions articulated by appellants and the examiner. As a consequence of our review, we will affirm the obviousness rejection of claims 6 through 8.

Appellants' sole argument (Brief, pages 3-4) is that neither Dias nor Blea "mention[s] taking a snapshot such that a read or write request can be made to any volume." Appellants contend (Brief, page 3) that the portions of Blea referenced by the examiner states that when pointers for the virtual tracks containing source data are copied to the virtual track table of the work volume, updates to the source volume are suspended, "seeming to contradict the Examiner's allegation."

The examiner explains (Answer, page 6) that as the claim language has "read" and "write" in the alternative, only one is required, not both. "Therefore, update (write) to source volume does not impact while read to any volume."

Appeal No. 2003-1603  
Application No. 09/376,832

The portion referenced by appellants does suggest that write updates cannot be made to the source volume. However, as pointed out by the examiner, the claim language merely requires that either read or write be able to occur. Appellants have not shown why read requests cannot be made to any volume. Accordingly, we will sustain the obviousness rejection of claims 6 through 8.

***CONCLUSION***

The decision of the examiner rejecting claims 6 through 8 under 35 U.S.C. § 103 is affirmed.

Appeal No. 2003-1603  
Application No. 09/376,832

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

**AFFIRMED**

ERROL A. KRASS	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
	)	BOARD OF PATENT
ANITA PELLMAN GROSS	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
	)	
	)	
LANCE LEONARD BARRY	)	
Administrative Patent Judge	)	

Appeal No. 2003-1603  
Application No. 09/376,832

JOHN L ROGITZ  
ROGITZ & ASSOCIATES  
750 B STREET SUITE 3120  
SAN DIEGO, CA 92101