

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. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID B. STAUB,
D. MICHAEL SCHWAB and JAY ALAN HAGER

Appeal No. 2004-1668
Application No. 09/466,529

ON BRIEF

Before OWENS, RUGGIERO, and DIXON, *Administrative Patent Judges*
OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

This appeal is from the final rejection of claims 1-24,
which are all of the claims in the application.

THE INVENTION

The appellants claim a system and network for cataloging and
detecting network faults. Claim 13, which claims the system, is
illustrative:

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13. A system for cataloging and detecting network faults, comprising

a communication interface for receiving a fault message from a network;

a parser connected to the communication interface and parsing the fault message for an event type, the event type defines a type of error that occurred; and

an associative database connected to the parser storing a tally for the fault message, the associative database having a hashing calculator.

THE REFERENCES

Daniel et al. (Daniel)	4,965,772	Oct. 23, 1990
Pickett et al. (Pickett)	5,062,147	Oct. 29, 1991
Iddon et al. (Iddon)	5,634,009	May 27, 1997

THE REJECTIONS

The claims stand rejected under 35 U.S.C. § 103 as follows: claims 1-17, 23 and 24 over Pickett in view of Daniel and Iddon, and claims 18-22 over Pickett in view of Iddon.

OPINION

We reverse the aforementioned rejections. We need to address only the independent claims, i.e., claims 1, 13, 18, 23 and 24.

Pickett discloses a computer monitoring system for sensing and categorizing faults (col. 1, lines 10-12). A rules file contains key specifications used to extract or parse data from a

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computer generated message to create a key used to address a message action file which tells the computer monitoring system how to respond to the message (col. 8, lines 12-15). The failures indicated by the messages are tallied (col. 8, lines 52-53).

Daniel discloses code points which are strings of bits generated in response to an event in a device attached to a network and are used to index predefined tables that contain relatively short units of text messages to be used in building an operator's information display (col. 2, lines 3-7).

The examiner argues that "Pickett and Daniel et al did not further suggest calculating a hash of the key to form an association. However, Iddon et al suggest such (col. 3, line 66 - col. 4, line 11; col. 7, line 9 - col. 8, line 4)" (answer, pages 4, 6 and 7).

Iddon discloses "a system employing a sufficient number of network nodes connected throughout a computer network adapted to collect network data, wherein each such node has a network interface to translate the electronic signals on the network into a digital form, a memory for storing the digital form, and a CPU for processing the digital form in accordance with software

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modules stored in the memory, the software modules including a scalable network data engine that is independent of the network protocol of the computer network, and wherein the network data engine is executed by the CPU to provide the functionality for creating and deleting tables within the memory, updating table entries within the tables, inserting and deleting entries from the tables, and searching the tables according to a plurality of indices" (col. 3, line 64 - col. 4, line 11). Each table has a control structure that includes the maximum number of rows to allow for the table, the size of each row, the offset from the base of the row to a hash key, the size of the hash key, the number of slots in a hash table, a pointer to the base of the hash table, an array of directory descriptors, an array of per-packet update structures, a pointer to a first stage hash function, and a pointer to an init function (col. 7, lines 9-17).

The examiner argues that 1) "both Pickett et al and Iddon et al are directed to determining network faults (see col. 1 lines 10-12 of Pickett et al and col. 1 lines 26-28 of Iddon et al). Therefore, it would have been obvious to one skilled in the art to combine these teachings since they lie within a similar environment" (answer, page 10), and 2) "it would have been

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obvious to one of ordinary skill in the art at the time the invention was made to utilize the teaching of Iddon et al into [sic, in] view of Pickett and Daniel et al for optimize network functions to maximize data management" (answer, pages 4 and 6-8).

For a *prima facie* case of obviousness to be established, the teachings from the prior art itself must appear to have suggested the claimed subject matter to one of ordinary skill in the art. See *In re Rinehart*, 531 F.2d 1048, 1051, 189 USPQ 143, 147 (CCPA 1976). The mere fact that the prior art could be modified as proposed by the examiner is not sufficient to establish a *prima facie* case of obviousness. See *In re Fritch*, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992).

The appellants' claim 1 requires defining a key based on an event code, calculating a hash of the key to form an association, and storing a tally at a database location pointed to by the association. Claim 13 requires an associative database that is connected to a parser, stores a tally for a fault message, and has a hashing calculator. Claim 18 requires determining, for each of a plurality of targets, a key based on the target, to form a plurality of keys, calculating a hash of the plurality of

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keys to form an association for each of the plurality of keys, and storing, in a location of an associative database pointed to by the association, a subset of a plurality of tallies associated with the plurality of targets. Claim 23 requires 1) a hashing calculator, connected to a parser of fault messages for an event code, target and tally, that determines a key based on the event code and determines an association for the key, and 2) an associative database that is connected to the parser and stores the tally in a location pointed to by the association. Claim 24 requires forming a key for each unique combination of an event code, target type and target, calculating a hash for the key to form an association, and storing a tally connected with the key in a location of an associative database.

The examiner's arguments that the references are in similar environments and that combining their teachings would optimize network functions to maximize data management do not provide an explanation as to how the references themselves would have led one of ordinary skill in the art to combine their teachings in such a manner that a system or method having the association or associative database features set forth above as required by the appellants' independent claims is produced.

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The examiner argues that Pickett's column 5, lines 15-18, column 6, line 55 - column 7, line 55, column 8, lines 6 -31, and column 11, lines 19-38, discloses the step in the appellants' claim 18 of "parsing the plurality of fault messages for a target to form a plurality of tallies associated with a plurality of targets, the plurality of targets each define a specific piece of equipment" (answer, page 8), and that Pickett's column 8, line 56 - column 9, line 14 discloses "a parser connected to the communication interface, the parser parsing the plurality of fault messages for an event code, a target and a tally, the parser determining a target type based on the event code" as required by the appellants' claim 23 (answer, page 7). We do not find these disclosures in the portions of Pickett cited by the examiner.

For the above reasons we conclude that the examiner has not carried the burden of establishing a *prima facie* case of obviousness of the appellants' claimed invention.

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DECISION

The rejections under 35 U.S.C. § 103 of claims 1-17, 23 and 24 over Pickett in view of Daniel and Iddon, and claims 18-22 over Pickett in view of Iddon, are reversed.

REVERSED

TERRY J. OWENS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
JOSEPH F. RUGGIERO)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
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)	
JOSEPH L. DIXON)	
Administrative Patent Judge)	

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LAW OFFICE OF DALE B HALLING
24 S. WEBER STREET,
SUITE 311
COLORADO SPRINGS, CO 80903