

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

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SIEW-HONG YANG-HUFFMAN

Appeal 2007-0256
Application 10/012,713
Technology Center 2100

Decided: February 27, 2007

Before KENNETH W. HAIRSTON, ALLEN R. MACDONALD, and
JAY P. LUCAS, *Administrative Patent Judges*.
HAIRSTON, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant's appeal is under 35 U.S.C. § 134 from the final rejection of claims 1 to 20. We have jurisdiction under 35 U.S.C. § 6(b).

Appellant has invented a system and method to collect usage data from at least one node of a network. An administrative application identifies at least one node of the network, and the system and method autonomously

configures a usage data application to collect usage data from the at least one identified network node.

Claim 18 is representative of the claims on appeal, and it reads as follows:

18. A method for the collection of usage data from at least one node of a network, the method comprising:

receiving data identifying at least one node of a network from an administrative application; and

autonomously configuring a usage data application to collect usage data from at least one of the at least one identified network node.

The Examiner rejected claims 1 to 20 under 35 U.S.C. § 103(a).

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Ries	US 6,061,724	May 9, 2000
Fletcher	US 6,108,782	Aug. 22, 2000
Boukobza	US 6,122,664	Sept. 19, 2000
Haggard	US 6,148,335	Nov. 14, 2000
Rosensteel	US 6,363,391	Mar. 26, 2002 (filed May 29, 1998)
Nederveen	US 6,853,623	Feb. 8, 2005 (filed Mar. 5, 1999)

Appellant contends that the claimed subject matter would not have been obvious because neither Haggard nor Boukobza teaches or would have suggested “autonomously” configuring a usage data application to collect usage data from an identified network node (Br. 7-13).

We affirm.

ISSUE

Does the applied prior art teach or suggest autonomously configuring a usage data application to collect usage data from an identified node?

FINDINGS OF FACT

The invention described by Appellant is a usage data monitoring system and method in which a network topology application 140 informs a monitoring application 120 of the topology of the data sources/nodes 110-1 to 110-n (Specification 8, ll. 7-9, Specification 13, ll. 14-22; Fig. 1). A usage data application at the monitoring application 120 is autonomously configured to collect usage data from at least one of the identified data sources/nodes (Specification 13, ll. 23-30).

Haggard describes a system and method for collecting performance/usage data from a plurality of servers (col. 2, ll. 48-51). In one embodiment, a data processing system 20 uses a server resource management (SRM) architecture that runs a remote command facility (RCF) program to collect usage data from a plurality of servers (col. 6, ll. 4-13). By using the RCF program, the server usage data collection by the system 20 is “automated” (col. 7, ll. 16-22). Haggard even takes advantage of a universal agent to collect the usage data from the servers (col. 6, ll. 36-59).

Boukobza describes a method of monitoring usage data from a plurality of nodes. In the method, a management node autonomously configures agents located at monitored nodes (Abstract; col. 4, l. 55 to col. 5, l. 21).

Haggard and Boukobza are applied together in the obviousness rejection of claims 1 to 4, 6 to 8, 13 to 16, 18 and 19. Haggard, Boukobza and Rosensteel are applied together in the obviousness rejection of claim 5.

Haggard, Boukobza and Fletcher are applied together in the obviousness rejection of claim 9. Haggard, Boukobza and Nederveen are applied together in the obviousness rejection of claims 10, 11, 17 and 20. Haggard, Boukobza and Ries are applied together in the obviousness rejection of claim 12.

As indicated *supra*, appellant contends that neither Haggard nor Boukobza teaches or would have suggested to the skilled artisan to “autonomously” configure an application to collect usage data from at least one node as required by independent claims 1, 13 and 18 on appeal. Appellant also contends that the applied references do not generate and configure at least one agent to collect usage data from at least one node as required by claim 19 on appeal (Br. 14).

Appellant has not presented any patentability arguments for claims 2 to 12, 14 to 17 and 20 apart from those presented for independent claims 1, 13 and 18.

PRINCIPLES OF LAW

“In reviewing the [E]xaminer’s decision on appeal, the Board must necessarily weigh all of the evidence and argument.” *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992).

In sustaining a multiple reference rejection under 35 U.S.C. § 103(a), the Board may rely on one reference alone without designating it as a new ground of rejection. *In re Bush*, 296 F.2d 491, 496, 131 USPQ 263, 266-67 (CCPA 1961); *In re Boyer*, 363 F.2d 455, 458 n.2, 150 USPQ 441, 444 n.2 (CCPA 1966).

ANALYSIS

As our findings *supra* indicate, Haggard identifies at least one server/node in a network of servers, and autonomously or automatically configures a usage data application (i.e., the RCF program) to collect usage data from the identified server nodes without any assistance from any other part of the system 20 as required by claims 1, 13 and 18. Haggard even uses a universal agent to collect the usage data as set forth in claim 19 on appeal. Thus, the autonomous agent teachings of Boukobza are merely cumulative to teachings already present in Haggard.

CONCLUSION OF LAW

The obviousness rejection of claims 1 to 4, 6 to 8, 13 to 16, 18 and 19 is sustained based on the teachings of Haggard. The obviousness rejections of claims 5, 9 to 12, 17 and 20 are sustained because appellant has not presented any patentability arguments for these claims apart from the argument presented for claims 1, 13 and 18.

DECISION

The Examiner's rejection of claims 1 to 20 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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