

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

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte ARNOLD STAMLER and IKRAMULLAH MOHAMMAD

Appeal 2007-1668
Application 10/434,586
Technology Center 3600

May 15, 2007

Before JENNIFER D. BAHR, STUART S. LEVY and ANTON W. FETTING,
Administrative Patent Judges.

FETTING, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF CASE

This appeal from the Examiner's rejection of claims 1-36, the only claims pending in this application, arises under 35 U.S.C. § 134. We have jurisdiction over the appeal pursuant to 35 U.S.C. § 6.

We REVERSE.

1 The Appellants invented a means for deploying network devices, more
2 specifically for providing automatic provisioning for modular network devices
3 (Specification 1). An understanding of the invention can be derived from a reading
4 of exemplary claim 1, which is reproduced below.

5 1. A method of automatically providing inventory information
6 describing a modular network device to a network management point,
7 the method comprising the computer-implemented steps of:

8 by instructions executed in the modular network device, creating and
9 storing inventory information for the modular network device for use
10 by the management point, wherein the network management point
11 comprises a server configured to receive the inventory information
12 from the device, update a database of configuration information,
13 automatically generate a permanent configuration for the device based
14 on the inventory messages, and communicate the permanent
15 configuration to the device, wherein the inventory information
16 comprises one or more absolute interface references that identify
17 physical slot locations of one or more interfaces in the modular
18 network device, and wherein creation of the inventory information is
19 self-initiated by the device without receiving a request for inventory
20 from the management point; and

21 communicating the inventory in a request for a permanent
22 configuration that is sent from the modular network device to a
23 management point through a network, wherein communication of the
24 inventory information to the management point is self-initiated by the
25 device without receiving a request for inventory from the management
26 point.

27
28 This appeal arises from the Examiner's Final Rejection, mailed October 21,
29 2005. The Appellants filed an Appeal Brief in support of the appeal on July 7,
30 2006, and the Examiner mailed an Examiner's Answer to the Appeal Brief on
31 October 6, 2006. A Reply Brief was filed on December 11, 2006.

PRIOR ART

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

4 Sidhu US 5,150,464 Sep. 22, 1992

5 Brown US 6,430,541 B1 Aug. 6, 2002

REJECTIONS

8 Claims 1, 2, 4-11, 13-20, 22-29, and 31-36 stand rejected under 35 U.S.C.

9 § 102(b) as anticipated by Sidhu.

10 Claims 3, 12, 21, and 30 stand rejected under 35 U.S.C. § 103(a) as obvious
11 over Sidhu and official notice of notoriety of XML.

12 Claims 3, 12, 21, and 30 stand rejected under 35 U.S.C. § 103(a) as
13 unpatentable over Sidhu and Brown.

ISSUES

16 The issues pertinent to this appeal are

- Whether the rejection under 35 U.S.C. § 102(b) as anticipated by Sidhu is proper (Br. 16-25).
 - Whether Sidhu shows the inventory information comprising one or more absolute interface references that identify physical slot locations of one or more interfaces in the modular network device (Br. 16-18; Reply Br. 4-5; All claims).

- Whether the rejections under 35 U.S.C. § 103(a) as obvious over Sidhu and official notice of notoriety of XML and Sidhu in view of Brown are proper (Br. 25-27).

In particular, the Appellants contend that nothing in Sidhu suggests that a network address can refer to or contain physical slot locations of interfaces (Br. 17; Reply Br. 4-5).

FACTS PERTINENT TO THE ISSUES

The following Findings of Fact (FF), supported by a preponderance of substantial evidence, are pertinent to the above issues.

01. All four independent claims require that a server receive information regarding one or more absolute interface references that identify physical slot locations of one or more interfaces.

02. The specification contains no lexicographic definition of the word “slot” or the phrase “physical slot.”

03. A slot has several definitions, the ones pertinent to the subject matter at hand being either an assigned place in a sequence or schedule, or an expansion slot¹. Only the definition as an expansion slot is specifically identified as within the context of computer science.

04. The Examiner contends that Sidhu describes a router as a server that receives information regarding one or more network addresses as

¹ American Heritage Dictionary of the English Language, 4th Edition, 2000.

absolute network interface references that identify nodes as physical slot locations of one or more interfaces (Answer 3 and 6-7).

05. Sidhu's network node meets the definition of a slot as an assigned place in a sequence or schedule, but it is not an expansion slot.

06. The Appellants' contentions regarding physical slots are consistent with and even solicit the construction of this phrase as slots within an expansion chassis (Br. 17; Reply Br. 4-5).

07. Thus all of the independent claims require that a server receive information regarding one or more absolute interface references that identify physical expansion slot locations of one or more interfaces.

ANALYSIS

Claims 1, 2, 4-11, 13-20, 22-29, and 31-36 rejected under 35 U.S.C. § 102(b) as anticipated by Sidhu.

Based upon the above Findings of Fact, supported by a preponderance of substantial evidence, we conclude that

- Sidhu does not show the inventory information comprising one or more absolute interface references that identify physical slot locations of one or more interfaces in the modular network device (FF 05 & 07).

21 Thus, Sidhu lacks an element recited in all of the claims and cannot support a
22 rejection based on novelty. Accordingly we do not sustain the Examiner's rejection
23 of claims 1, 2, 4-11, 13-20, 22-29, and 31-36 under 35 U.S.C. § 102(b) as
24 anticipated by Sidhu.

Claims 3, 12, 21, and 30 rejected under 35 U.S.C. § 103(a) as obvious over Sidhu and official notice of notoriety of XML.

The Examiner's application of XML does not make up for the deficiency of Sidhu discussed above, namely, the absence of a physical expansion chassis slot. Accordingly we do not sustain the Examiner's rejection of claims 3, 12, 21, and 30 under 35 U.S.C. § 103(a) as obvious over Sidhu and official notice of notoriety of XML.

Claims 3, 12, 21, and 30 rejected under 35 U.S.C. § 103(a) as obvious over Sidhu and Brown.

Nothing within Brown, particularly regarding XML, makes up for the deficiency of Sidhu discussed above, namely, the absence of a physical expansion chassis slot. Accordingly we do not sustain the Examiner's rejection of claims 3, 12, 21, and 30 under 35 U.S.C. § 103(a) as being obvious over Sidhu and Brown.

DECISION

To summarize, our decision is as follows:

- The rejection of claims 1, 2, 4-11, 13-20, 22-29, and 31-36 under 35 U.S.C. § 102(b) as anticipated by Sidhu is not sustained.
 - The rejection of claims 3, 12, 21, and 30 under 35 U.S.C. § 103(a) as obvious over Sidhu and official notice of notoriety of XML is not sustained.

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- The rejection of claims 3, 12, 21, and 30 under 35 U.S.C. § 103(a) as obvious over Sidhu and Brown is not sustained.

REVERSED

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