UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
18/494,440	10/25/2023	Shuang Huang	4901-64200	9256

97698   7590   02/10/2025
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EXAMINER
IQBAL, NADEEM

ART UNIT	PAPER NUMBER
2114	

NOTIFICATION DATE	DELIVERY MODE
02/10/2025	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

aipatent@huawei.com
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<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
18/494,440</td><td>Applicant(s)
Huang et al.</td></tr>
<tr><td>Examiner
NADEEM IQBAL</td><td>Art Unit
2114   AIA (FITF) Status
Yes</td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☑ Responsive to communication(s) filed on <u>Oct 25, 2023</u>.
    ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
2a)☐ This action is **FINAL**.   2b) ☑ This action is non-final.
3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5) ☑ Claim(s) <u>1-20</u> is/are pending in the application.
    5a) Of the above claim(s) ____ is/are withdrawn from consideration.
6) ☐ Claim(s) ____ is/are allowed.
7) ☑ Claim(s) <u>1-20</u> is/are rejected.
8) ☐ Claim(s) ____ is/are objected to.
9) ☐ Claim(s) ____ are subject to restriction and/or election requirement
* If any claims have been determined <u>allowable</u>, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to **PPHfeedback@uspto.gov.**

Application Papers

10)☐ The specification is objected to by the Examiner.
11)☑ The drawing(s) filed on <u>10/25/23</u> is/are: a)☑ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

12)☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  Certified copies:
    a)☑ All   b)☐ Some**   c)☐ None of the:
      1.☑ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. ____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☑ Notice of References Cited (PTO-892)   3) ☐ Interview Summary (PTO-413)
                                                  Paper No(s)/Mail Date ____.
2) ☑ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)   4) ☐ Other: ____.
    Paper No(s)/Mail Date <u>12/30/24, 1/15/25</u>.

DETAILED ACTION

Notice of Pre-AIA or AIA Status

1.   The present application, filed on or after March 16, 2013, is being examined under the

first inventor to file provisions of the AIA.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a)(2) the claimed invention was described in a patent issued under section 151, or in an application for
> patent published or deemed published under section 122(b), in which the patent or application, as the
> case may be, names another inventor and was effectively filed before the effective filing date of the
> claimed invention.

3.   Claim(s) 1-20 is/are rejected under 35 U.S.C. 102(a)(2) as being anticipated by Kumar et

al., (U.S. Patent # 11,734,122).

4.   Regarding claim 1, Kumar disclose a method, implemented by a control device of a data

backup system, wherein the method comprises: controlling, based on a first data backup policy,

a primary cluster of the data backup system or a secondary cluster of the data backup system to

back up, to the secondary cluster (Fig. 1, col. 3, lines 2-31, system 100 that facilitates backup

task processing in a data storage system, utilizing a replication facility for disaster recovery,

includes primary storage cluster and one or more secondary storage clusters, replication job can

be defined via replication policies on the primary cluster to replicate stored data to the secondary

cluster(s)), data sets that are related to a first service, are in the primary cluster, and that are at a

first moment, wherein the first data backup policy comprises information about the data sets (col.

3, lines 38-54, a backup controller that can manage backup of data stored on system, periodically

and/or according to one of more backup policies).

5.   Regarding claim 2, Kumar disclose, wherein controlling the primary cluster or the

secondary cluster to back up the data sets comprises: sending, to the primary cluster,

a first instruction instructing the primary cluster to send, to the secondary cluster, data

corresponding to snapshots of the data sets, or sending, to the secondary cluster,

a second instruction instructing the secondary cluster to replicate, from the primary cluster, the

data (col. 3, lines 21-31, 51-54).

6.   Regarding claim 3, Kumar disclose, wherein before sending the first instruction or the

second instruction to the secondary cluster, the method further comprises: sending, to the

primary cluster, third instruction comprising the information, and wherein the third instruction

instructs the primary cluster to obtain the snapshots (col. 4, lines 47-58).

7.   Regarding claim 4, Kumar disclose, sending, to the primary cluster, fourth instruction

instructing the primary cluster to synchronize first user data to the secondary cluster; or

obtaining, second user data stored in the primary cluster and third user data stored in the

secondary cluster, and adjusting, based on the second user data the third user data (col. 5, lines

34-42).

8.   Regarding claim 5, Kumar

disclose, obtaining, from a user, the information, and configuring, for the first service based on

the information, the first data backup policy (col. 5, lines 24-32).

9.   Regarding claim 6, Kumar disclose, configuring, for a second service, second data

backup policy comprising second information about a second data sets related to the second

service and a

second moment, wherein the second data sets are in the primary cluster; and controlling, on the

second data backup policy, the primary cluster or the secondary cluster to back up, to the

secondary cluster, second data sets (col. 7, lines 4-15).

10.   Regarding claim 7, Kumar disclose, wherein the data sets comprise a first data set

processed or stored by a first component in the primary cluster and a second data set processed

or stored by a second component in the primary cluster (col. 5, lines 34-42).

11. Regarding claim 8, Kumar disclose, detecting, by a primary client of the

control device, first status information

of the primary cluster; detecting, by a secondary client of the control device, second status of the

secondary cluster; and determining that the secondary client is accessed by an application when

the first status information indicates that the primary cluster has a secondary identity or

the primary cluster has failed and when the second status information indicates that the

secondary cluster has a primary identity (col. 6, lines 18-29, replicated files with the target host

name associated with the secondary cluster).

12. Regarding claim 9, Kumar disclose, prompting, a user

with second information indicating that the primary cluster is faulty;

obtaining, from the user for the secondary cluster, an identity adjustment operation; and adjustin

g in response to the identity adjustment operation, an identity of the secondary cluster from the

secondary identity to the primary identity (col. 6, lines 18-29, identifier associated with the

secondary cluster, the replication logging component can ass the target host name to replicated

files).

13. Regarding claim 10, Kumar disclose, deploying the control device in an

isolated manner from the primary cluster (col. 3, lines 38-54, backup controller that can manage

backup of data stored on system).

14. Regarding claim 11, Kumar disclose, setting a same clock source is set in the control device, the primary cluster, and the secondary cluster (col. 4, lines 36-45, the components of the system can be implemented in hardware, software or a combination of hardware and software, therefore, requiring a clock source).

15. Regarding claim 12, Kumar disclose, wherein the primary cluster or the secondary cluster comprises a cluster constructed based on a HADOOP architecture (col. 3, lines 38-46).

16.   Regarding claim 13, Kumar disclose a method implemented by a primary cluster of a data backup system, wherein the method comprises: obtaining, from a control device of the data backup system, an instruction comprising information about a data sets related to a first service and a first moment wherein the data sets are in the primary cluster (Fig. 1, col. 3, lines 2-31, system 100 that facilitates backup task processing in a data storage system, utilizing a replication facility for disaster recovery, includes primary storage cluster and one or more secondary storage clusters, replication job can be defined via replication policies on the primary cluster to replicate stored data to the secondary cluster(s)); and backing up, to a secondary cluster of the data backup system based on the instruction, the data sets (col. 3, lines 38-54, a backup controller that can manage backup of data stored on system, periodically and/or according to one of more backup policies).

17.   Regarding claim 14, Kumar disclose, wherein the-backing up the data sets, comprises: obtaining, based on the information, snapshots of the data sets, and sending, to the secondary cluster based on the snapshots, data corresponding to the snapshots (col. 3, lines 21-31, 51-54).

18.   Regarding claim 15, Kumar disclose, synchronizing, user data to the secondary cluster

(col. 5, lines 34-42).

19.   Regarding claim 16, Kumar disclose, constructing, based on a HADOOP architecture, the

primary cluster or the secondary cluster (col. 3, lines 38-46).

20.   Regarding claim 17, Kumar disclose a data backup system,

comprising: a primary cluster, a secondary cluster, and a

control device, coupled to the primary cluster and the secondary cluster and configured

to control, based on a first data backup policy, the primary cluster or the secondary cluster to

back up, data sets that are related to a first service, are in the primary cluster, and are at a first

moment, wherein the first data backup policy comprises information about the data sets (Fig. 1,

col. 3, lines 2-31, system 100 that facilitates backup task processing in a data storage system,

utilizing a replication facility for disaster recovery, includes primary storage cluster and one or

more secondary storage clusters, replication job can be defined via replication policies on the

primary cluster to replicate stored data to the secondary cluster(s)); wherein the primary cluster is

configured to obtain, from the control device, an instruction comprising the information, and

back up, to the secondary cluster based on the instruction, the data sets,   and wherein the

secondary cluster is configured to obtain and store the data sets backed up from the primary

cluster (col. 3, lines 38-54, a backup controller that can manage backup of data stored on system,

periodically and/or according to one of more backup policies).

21.   Regarding claim 18, Kumar disclose a control device, comprising: a memory

configured to store instructions, and one or more processors coupled to the memory and configu

red to execute the instructions to cause the control device to control, based on a first data backup

policy (Fig. 1, col. 3, lines 2-31, system 100 that facilitates backup task processing in a data

storage system, utilizing a replication facility for disaster recovery, includes primary storage

cluster and one or more secondary storage clusters, replication job can be defined via replication

policies on the primary cluster to replicate stored data to the secondary cluster(s)),

a primary cluster or a secondary cluster to back up, to the secondary cluster, data sets that are

related to a first service, are in the primary cluster, and are at a first moment, wherein the first

data backup policy comprises information about the data sets (col. 3, lines 38-54, a backup

controller that can manage backup of data stored on system, periodically and/or according to one

of more backup policies).

22. Regarding claim 19, Kumar disclose, wherein the

one or more processors are further configured to execute the instructions to cause the control de

vice to: send to the primary cluster, first instruction instructing the primary cluster to send, to the

secondary cluster, data corresponding to snapshots of the data

sets related to the first service that are at the first moment; or send to the secondary cluster,

a second instruction instructing the secondary cluster to replicate, from the primary cluster, the

data (col. 3, lines 21-31, 51-54).

23.   Regarding claim 20, Kumar disclose, wherein before sending the first instruction, or

the second the method further comprises:

one or more processors are further configured to execute the instructions to cause the control de

vice to send, to the primary cluster, a third instruction comprising the information, and wherein

the third instruction instructs the primary cluster to obtain the snapshots (col. 3, lines 21-31, 51-

54).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. U.S. Patent # 10,089,187 to Pecoraro et al., relates to scalable cloud backup. A

coordinator process can manage worker processes on nodes to package file system data that is

targeted for cloud backup into node local upload objects. File data can be arranged into distinct

block offsets of the node local upload object.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to NADEEM IQBAL whose telephone number is (571)272-3659.

The examiner can normally be reached TW M-F 7:30AM-4:00 PM CST.

Examiner interviews are available via telephone, in-person, and video conferencing using

a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is

encouraged to use the USPTO Automated Interview Request (AIR) at

http://www.uspto.gov/interviewpractice.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Matt Kim can be reached on 571-272-4182. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of published or unpublished applications may be

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at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

Representative, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NADEEM IQBAL/
Primary Examiner, Art Unit 2114