REMARKS/ARGUMENTS

Status of Claims

Claims 1–20 stand rejected.

Claims 1, 13, 17 and 18 are currently amended.

Claim 7 is hereby cancelled.

Claim 21 is newly added.

Thus, claims 1-6 and 8-21 are now pending in this patent application.

The Applicant hereby requests further examination and reconsideration of the presently claimed application.

Claim Rejections – 35 U.S.C. § 102

Claims 1-20 are rejected under 35 U.S.C. § 102(a)(2) as being anticipated by U.S. Patent No. 11,734,122 ("*Kumar*"). Claim 7 has been cancelled. Claims 2-6 and 8-12 depend from independent claim 1, claims 14-16 depend from independent claim 13, and claims 19-20 depend from independent claim 18. Therefore, claims 1-6 and 8-20 will be allowable over *Kumar* if independent claims 1, 13, 17, and 18 are allowable over *Kumar*. According to MPEP § 2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." The Applicant respectfully asserts that *Kumar* fails to teach each and every element of independent claims 1, 13, 17, and 18, and consequently fails to anticipate claims 1-6 and 8-20.

Kumar fails to anticipate claims 1-6 and 8-20 because *Kumar* fails to disclose a primary cluster comprises a first component and a second component, wherein the secondary cluster comprises a third component and a fourth component, wherein the third component is used as a backup of the first component, wherein the fourth component is used as a backup of the second component, wherein the first component and the second component store data in different formats,

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wherein the third component and the fourth component store data in different formats, and wherein the data sets related to the first service comprise a first data set processed or stored by the first component in the primary cluster and a second data set processed or stored by the second component in the primary cluster. Claim 1, as amended, reads:

> 1.   A method implemented by a control device of a data backup system, wherein the method comprises:
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> 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, data sets that are related to a first service, are in the primary cluster, and are at a first moment, **wherein the primary cluster comprises a first component and a second component, wherein the secondary cluster comprises a third component and a fourth component, wherein the third component is used as a backup of the first component, wherein the fourth component is used as a backup of the second component, wherein the first component and the second component store data in different formats, wherein the third component and the fourth component store data in different formats,**
>
> wherein the first data backup policy comprises information about the data sets, and **wherein the data sets related to the first service comprise a first data set processed or stored by the first component in the primary cluster and a second data set processed or stored by the second component in the primary cluster.**

(Emphasis added). As shown above, claim 1 requires a primary cluster comprises a first component and a second component, wherein the secondary cluster comprises a third component and a fourth component, wherein the third component is used as a backup of the first component, wherein the fourth component is used as a backup of the second component, wherein the first component and the second component store data in different formats, wherein the third component and the fourth component store data in different formats, and wherein the data sets related to the first service comprise a first data set processed or stored by the first component in the primary cluster and a second data set processed or stored by the second component in the primary cluster. Independent claims 13, 17 and 18 contain similar limitations. Support for the amendments can be found in paragraphs 83, 90, and 98 of Specification. To reject these limitations, the Examiner asserts that

col. 3, lines 2-31 of *Kumar* discloses similar limitations. *See Office Action*, p. 2. While *Kumar* discloses primary and secondary storage clusters for backup, *Kumar* does **not** disclose the secondary cluster comprising third and fourth components that serve as backups for components (first and second) in the primary cluster:

> FIG. 1 illustrates a block diagram of a system 100 that facilitates backup task (job) processing in a data storage system in accordance with various aspects described herein. In an aspect, system 100 can utilize a replication facility for disaster recovery in order to enhance the security of data stored by system 100. **For instance, system 100 as shown in FIG. 1 includes a primary storage cluster 10, referred to herein as simply a "primary cluster," and one or more secondary storage clusters 12, referred to herein as simply "secondary clusters."** While only one secondary cluster 12 is illustrated in FIG. 1, it should be appreciated that system 100 can include any suitable number of secondary clusters 12. As used herein, a "cluster" refers to a grouping of one or more computing devices that are tasked with storage and maintenance of data associated with system 100.

Kumar, col. 3, lines 2-31 (emphasis added). As shown above, *Kumar* **only** describes the solution of using primary storage cluster and secondary clusters for backup. However, *Kumar* does **not** describe 1) the secondary cluster includes third and fourth components that serve as backups for specific components (first and second) in the primary cluster, and 2) each of these components stores data in different formats. As such, *Kumar* fails to disclose a primary cluster comprises a first component and a second component, wherein the secondary cluster comprises a third component and a fourth component, wherein the third component is used as a backup of the first component, wherein the fourth component is used as a backup of the second component, wherein the first component and the second component store data in different formats, wherein the third component and the fourth component store data in different formats, and wherein the data sets related to the first service comprise a first data set processed or stored by the first component in the primary cluster and a second data set processed or stored by the second component in the primary cluster,

as claimed. Accordingly, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C.

§ 102 of independent claims 1, 13, 17, and 18, as well as their respective dependent claims.

New Claims

New claim 21 recites novel and non-obvious aspects of the disclosure. Support for new claim

is found in the application. Thus, no new matter is contained in this claim. Claim 21 depends from

claim 18, which is allowable for the reasons stated above. Thus, claim 21 is also allowable.

CONCLUSION

Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections and objections is respectfully requested by the Applicant. No new matter is introduced by way of the amendment. It is believed that each ground of rejection raised in the Office Action dated February 10, 2025 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 50-1515 of Conley Rose, P.C., Texas. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefor.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,
CONLEY ROSE, P.C.

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