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EXAMINER

SCOTT, RANDY A

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte FANG HAO, MURALI KODIALAM,
TIRUNELL V. LAKSHMAN, and SARIT MUKHERJEE

Appeal 2015-005462
Application 13/628,421
Technology Center 2400

Before JOSEPH L. DIXON, JAMES R. HUGHES, and ERIC S. FRAHM,
Administrative Patent Judges.

DIXON, *Administrative Patent Judge.*

DECISION ON APPEAL
STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from a rejection of claims 1–10, 12–15, 19, and 20.¹ We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

The invention relates to “allocation of resources in a distributed cloud system” (Spec. 1:6–7). Claim 1, reproduced below, is illustrative of the claimed subject matter:

¹ Claims 16–18 are objected to as containing allowable subject matter, and, are, thus, not subject to the appeal (*see* Final Act. 3).

1. An apparatus for processing a request for resources of a distributed cloud system including a plurality of data centers, comprising:

a processor and a memory communicatively connected to the processor, the processor configured to:

receive a request for resources of the distributed cloud system, wherein the request for resources comprises a request for cloud resources and an indication of an amount of cloud resources requested; and

determine a resource mapping for the resource request based on the request for resources and information associated with the distributed cloud system, the resource mapping comprising a mapping of the requested cloud resources to cloud resources of multiple data centers of the plurality of data centers and an identification of network resources configured to support communications for the mapped cloud resources of the multiple data centers, wherein the identified network resources comprise network resources configured to support communications between at least two data centers of the multiple data centers.

REFERENCES

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

Kudo	US 2009/0144393 A1	June 4, 2009
Warncke	US 2010/0318454 A1	Dec. 16, 2010
Baker	US 7,953,000 B2	May 31, 2011
Banerjee	US 2012/0239792 A1	Sept. 20, 2012

REJECTIONS

The Examiner made the following rejections:

Claims 1–10, 12, 13, 15, 19, and 20 stand rejected under 35 U.S.C § 103(a) as being unpatentable over Warncke, Banerjee, and Kudo.

Claim 14 stands rejected under 35 U.S.C § 103(a) as being unpatentable over Warncke, Banerjee, Kudo, and Baker.

ANALYSIS

Appellants contend “Kudo fails to teach or suggest an identification of network resources configured to support communications for mapped cloud resources of multiple data centers where the identified network resources include network resources configured to support communications *between at least two data centers*” (App. Br. 13). We disagree with Appellants.

We note the Examiner relies on Banerjee for disclosing “an identification of network resources configured to support communications for the mapped cloud resources of the multiple data centers,” and relies on Kudo only for disclosing “wherein the identified network resources comprise network resources configured to support communications between at least two data centers of the multiple data centers” (Final Act. 4–5). Kudo discloses migrating an application running on one data center to another data center (*see* Kudo, Abstract). As part of this migration, Kudo discloses:

At step 1314, migration requester program 123 [of a first data center] sends migration request document 13 to the request address 1002 of the destination second data center that was read in step 1312.

At step 1320, migration acceptor program 121 of the second data center receives the migration request document 13 that was sent from migration requester program 123 of the first

data center in step 1314, and invokes resource manager program 122 to determine if the migration request can be accepted.

(Kudo, ¶¶ 67–68). Here, we find the sending of a migration request document from one data center to another meets the claim 1 limitation “network resources configured to support communications between at least two data centers.” Appellants argue that the content of Kudo’s migration request document relates only to specifications of network requirements for the application to be migrated, i.e., whether the VPN capacity available between a data center and a customer is sufficient, and does not relate to requirements for communications between the data centers (*see* Reply Br. 2–4). Appellants’ arguments, however, miss the point that the sending of a migration request document from one data center to another itself shows Kudo discloses “network resources configured to support communications between at least two data centers,” as recited in claim 1, regardless of the content of the migration request document. Specifically, Kudo discloses “multiple data centers 10a, 10b, 10c are connected to each other for communication through a network 12” (Kudo, ¶ 31). The broad language of claim 1 does not recite any specific requirements for the network resources that support inter-data center communications.

We are, therefore, not persuaded the Examiner erred in rejecting claim 1, and claims 2–10, 12–15, 19, and 20 not specifically argued separately.

CONCLUSION

The Examiner did not err in rejecting claims 1–10, 12–15, 19, and 20 under 35 U.S.C. § 103(a).

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Application 13/628,421

DECISION

For the above reasons, the Examiner's rejections of claims 1–10, 12–15, 19, and 20 are 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