

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

Paper No. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

**Ex parte** MIODRAG M. KEKIC, GRACE N. LU,  
and ELOISE H. CARLTON

---

Appeal No. 2001-0999  
Application No. 08/972,220

---

ON BRIEF

---

Before HAIRSTON, KRASS, and DIXON, **Administrative Patent Judges**.  
DIXON, **Administrative Patent Judge**.

**DECISION ON APPEAL**

This is a decision on appeal from the examiner's final rejection of claims 1-26, which are all of the claims pending in this application.

We REVERSE.

## BACKGROUND

Appellants' invention relates to a client-server computer network management architecture, such that, the client may configure the server to manage the computer network using a graphical user interface and that a portion of the server and client are computer platform independent processes. An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below.

1. A client-server network management system comprising:
  - at least one managed computer network element connected to a computer network;
  - a computer network management agent operating on said at least one managed computer network element;
  - a managed element server executing on a computer connected to said computer network wherein said managed element server uses said computer network management agent and an element manager object to manage operation of said at least one managed computer network element, and further wherein at least a portion of said managed element server is computer platform independent; and
  - a client executing on another computer connected to said computer network wherein said client configures said managed element server to manage operation of said at least one managed computer network element using a graphical user interface and further wherein at least a portion of said client is computer platform independent.

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

Dev et al. (Dev)	5,295,244	Mar. 15, 1994
Wanderer et al. (Wanderer)	5,491,796	Feb. 13, 1996

Appeal No. 2001-0999  
Application No. 08/972,220

Daly et al. (Daly)	5,748,896	May 05, 1998 (Filed Dec. 27, 1995)
Mayo et al. (Mayo)	5,751,965	May 12, 1998 (Filed Mar. 21, 1996)
Kulkarni et al. (Kulkarni)	5,848,243	Dec. 08, 1998 (Filed Nov. 13, 1995)

Claims 1-3, 25 and 26 stand rejected under 35 U.S.C. § 102 as being anticipated by Daly. Claims 4, 7, and 12 stand rejected under 35 U.S.C. § 103 as being unpatentable over Daly in view of Mayo. Claim 5 stands rejected under 35 U.S.C. § 103 as being unpatentable over Daly in view of Dev. Claims 6 and 13-17 stand rejected under 35 U.S.C. § 103 as being unpatentable over Daly in view of Wanderer. Claims 8-11 stand rejected under 35 U.S.C. § 103 as being unpatentable over Daly in view of Mayo and further in view of Wanderer. Claims 18, 20, and 22-24 stand rejected under 35 U.S.C. § 103 as being unpatentable over Daly in view of Kulkarni. Claims 19 and 21 stand rejected under 35 U.S.C. § 103 as being unpatentable Daly in view of Kulkarni further in view of Mayo.

Rather than reiterate the conflicting viewpoints advanced by the examiner and appellants regarding the above-noted rejections, we make reference to the examiner's answer (Paper No. 17, mailed Sep. 12, 2000) for the examiner's reasoning in support of the rejections, and to appellants' brief (Paper No. 16, filed Jul. 24, 2000) for appellants' arguments thereagainst.

## **OPINION**

In reaching our decision in this appeal, we have given careful consideration to appellants' specification and claims, to the applied prior art references, and to the respective positions articulated by appellants and the examiner. As a consequence of our review, we make the determinations which follow.

### **35 U.S.C. § 102**

Appellants argue that the examiner's rejection is erroneous and that the language of independent claim 1 requires specific functions and the client "configures said managed element server to manage operation of said at least one manage [sic, managed] computer network element using a graphical user interface." Appellants argue that Daly does not teach that this function is performed by the client, but that Daly teaches that the function is performed by Daly's server. (See brief at page 8.) Appellants argue that the client-server of the claimed invention is a distributed architecture which allows the administrator to manage any network resource from anywhere in the network. (See brief at page 8.) Appellants argue that the examiner maintains that Daly has a remote client executing on a platform independent administrative console, but has not provided any clear support for the position. (See brief at page 9.) We agree with appellants.

The examiner maintains in the statement of the rejection that Daly teaches the use of an administrative console 18 which the network administrator may remotely manage the network service instantiations installed on the servers. (See answer at page 4.) While Daly does teach the use of a remote administrative terminal, Daly does not specifically teach that this remote administrative terminal is a “client.” Daly teaches:

FIG. 2 illustrates the remote administration model for a computer network. In FIG. 2, the same servers 10 and client terminals 14 are coupled to network bus 12 in a client-server architecture. However, the remote network service management application 38 now resides at an administrative console (AC) 18. Administrative console 18 represents the computer terminal or workstation through which the network administrator may remotely manage the network service instantiations installed on the servers 10 of FIG. 2. An administrative console 18 may have simultaneous logical sessions with more than one server 10 or more than one service instantiation. Through these logical sessions, the remote network service management application may view the configuration data related to the service instantiations on the network servers and, if appropriate, administer the network services installed thereon. The ability to remotely manage network services on servers that may be geographically dispersed from a centrally located administrative console is particularly advantageous for large networks and therefore represents an improvement over the local administration model of FIG. 1.

.  
.  
.

In the prior art, remote network service management application 38 is programmed to specifically communicate with and administer the network service instantiations on a specific network. When the prior art remote network service management application 38 is executed at administrative console 18, it communicates with selected servers in the network to ascertain the statuses of the service instantiations installed

thereon and report that data in window 40. To administer one of the services, the network administrator then selects one of the listed entries in window 40 for administration. If the e-mail service on server AB entry is selected for administration, for example, another window 42 may be launched. Window 42 would contain information regarding the e-mail service on server AB such as the number of users on line, the amount of disk space being used by this e-mail service, number of mail messages stored per user, and the like. Through window 42, the network administrator may then administer the e-mail service by changing the attributes or parameters as desired. Other services may also be administered in a similar manner.

Although the prior art approach to remote network administration represents an improvement over the local network administration model of FIG. 1, there are several disadvantages. By way of example, the prior art remote network service management application requires knowledge beforehand of the network services on the network servers. In order to recognize and administer the services in a network, the prior art remote network service management application is programmed upon installation for specific types of services, and a specific network protocol and configuration, and other network-specific as well as service-specific details. Knowledge of these network-specific and service-specific details is required by the prior art remote network service management application to allow it to communicate with a particular service instantiation on a particular network server.

If it is desired, subsequent to the installation of the prior art remote network service management application, to extend the types of network services available by, for example, installing a new network service on one of the network servers, it is typically necessary to reprogram the prior art remote network service management application to allow it to recognize and support the newly installed service. The reprogramming is necessary because when the prior art remote network service management application was created, it is programmed only for the types of network services available to the network at the time of its creation. The prior art remote network service management application would not know how to obtain status data and administer some novel network services that may be developed subsequent to the creation and installation of the

prior art remote network service management application. Without this specific knowledge, the prior art remote network service management application cannot communicate with the newly installed network service instantiations to obtain status data and to administer them.

As can be appreciated, the need to reprogram the prior art remote network service management application to integrate new network services represents a burden for network administrators as well as for developers of the various network services.

(Daly at column 2, line 20- column 3, line 43.) From the above disclosure of Daly, we find that Daly neither discusses the (remote) administrative console 18 as performing any additional functions that a client may perform nor designates the (remote) administrative console 18 as a client. Daly merely discloses the ability to remotely manage network services on servers that may be geographically dispersed from a centrally located administrative console which is advantageous for large networks. Since the examiner has not shown that Daly teaches that the administrative console is a client or that it would have been inherent that the administrative console is a client, we cannot sustain the rejection of independent claim 1.

Additionally, the examiner cites the portion of Daly which teaches at columns 7 and 8 that the invention may be adapted to other platforms and operating systems than the APPLE™ based system, upon which the examples are set forth, for the teaching that the invention is not limited to any particular computer platform or network. (See answer at page 4.) While Daly teaches that the invention may be implemented on other platforms and operating systems, this is not the same as set forth in the language

“wherein at least a portion of said client is computer platform independent.” From the disclosure of Daly that the system may be implemented on different platforms or operating systems, it is clear that while the invention may be implemented in different operating systems, each implementation would have been platform dependent based upon the operating system used. Therefore, Daly does not teach “wherein at least a portion of said client is computer platform independent.” Therefore, the examiner has not set forth a *prima facie* case of anticipation, and we cannot sustain the rejection of independent claim 1 and dependent claims 2-3, 25 and 26.

**35 U.S.C. § 103**

The examiner applies various other references in combination with Daly to reject the remainder of the dependent claims, but the examiner does not rely upon these teachings to remedy the deficiency noted in Daly. These additional references are used merely to teach or suggest various differences in the user interface in administrating/managing the network.<sup>1</sup> Therefore, the examiner has not established a *prima facie* case of obviousness of the claimed invention since the examiner has

---

<sup>1</sup> We note that the examiner has not applied Kulkarni to remedy the deficiency in Daly noted above, but we find that Kulkarni teaches, in the background at col. 1, lines 47-50, that “In SunSoft's Solstice products for example, the management tools may be distributed over multiple workstations.” (Emphasis added.) In the Description of the Invention, at col. 3, lines 7-10, Kulkarni discloses that “[a] management system or ‘nerve center’ 111 is provided in the network to manage and control the network. While the management system 111 is illustrated as a single entity on the network, it may in many embodiments be distributed over multiple workstations and servers.” (Emphasis added.) These teachings of a distributed management system tend to suggest an alternative to the server based management system of Daly. We leave it to the examiner to further evaluate these teachings of Kulkarni which have not been applied by the examiner previously.

Appeal No. 2001-0999  
Application No. 08/972,220

shown neither a teaching nor a suggestion of all the claimed elements. Therefore, we cannot sustain the rejection of dependent claims 4-24.

**CONCLUSION**

To summarize, the decision of the examiner to reject claims 1-26 under 35 U.S.C. §§ 102 and 103 is reversed.

**REVERSED**

KENNETH W. HAIRSTON	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
	)	BOARD OF PATENT
ERROL A. KRASS	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
	)	
	)	
	)	
JOSEPH L. DIXON	)	
Administrative Patent Judge	)	

jld/vsh

Appeal No. 2001-0999  
Application No. 08/972,220

SKJERVEN, MORRILL, MACPHERSON, LLP  
25 METRO DRIVE  
SUITE 700  
SAN JOSE, CA 95110