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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/470,040	09/05/2006	Stefan Dyckerhoff	0023-0154CON1	7429

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EXAMINER	
BOAKYE, ALEXANDER O	
ART UNIT	PAPER NUMBER
2416	
MAIL DATE	DELIVERY MODE
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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.

Office Action Summary	Application No.	Applicant(s)	
	11/470,040	DYCKERHOFF ET AL.	
	Examiner	Art Unit	
	ALEXANDER BOAKYE	2416	

-- 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 *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 *05 September 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ 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

4)☒ Claim(s) *1-49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *25,30,31,37-43 and 49* is/are rejected.

7)☒ Claim(s) *26-29,32-36,41,44-48* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ 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).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

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).

a)☐ All b)☐ Some * c)☐ None of:

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)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *09/05/2006*
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. 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 –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 37-40, 42-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Yu (US Patent # 6, 625,150).

Regarding claim 37, Yu teaches a method, (Fig. 4) comprising: receiving data associated with a packet (column 6, lines 10-11); identifying one of a plurality of packet processors to receive the packet after the packet is entirely received (column 5, lines 3-7); temporarily buffering (410) the data until the packet is entirely received (column 6, line 50); transmitting the packet to the identified packet processor (column 6, lines 13-15).

Regarding claim 38, Yu teaches providing a plurality of queues (410) corresponding to the plurality of packet processors (412 of Fig. 4); and assigning the packet to one of the queues corresponding to the identified packet processor (column 6, lines 45-52).

Regarding claim 39, Yu teaches receiving a plurality of packets associated with a plurality of packet streams (column 6, lines 10-11); and providing one of the queues for combination of one of the packet processors and one of the packet streams (column 6, line 50).

Regarding claim 40, Yu teaches storing packets for the queues as a linked lists of data in a common memory (column 6, line 50).

Regarding claim 42, Bragg teaches maintaining values that reflect a flow of packets to each of the packet processors (column 6, lines 45-52).

Regarding claim 43, Yu teaches that identifying one of the plurality of packet processors (412) includes identifying one of the packet processors to receive the packet based on the maintained values (column 5, lines 3-7).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 25, 30, 31, 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bragg (US Patent # 6,587,469) in view of Yu (US Patent 6, 625,150).

Regarding claims 25, Bragg teaches a system (Fig. 2) comprising: a plurality of packet processors (25) to process packet (column 3, lines 33-38) bandwidth divider (24 of Fig. 2) to: receive data associated with a packet, buffer (36) the data until the packet

is entirely received (column 3, lines 44-45), identify (31) one of the packet processors to receive the packet based on a length of the packet after the packet is entirely received (column 3, lines 39-44). Bragg differs from the claimed invention in that Bragg fails to disclose transmit the packet to the identified packet processor. However, the Yu's reference figure 4 discloses transmit the packet to the identified packet processor (column 6, lines 13-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Yu into the system of Bragg with motivation being that it provides capability for the system to enhance performance.

Regarding claim 30, Bragg teaches that the bandwidth divider is further configured to: maintain values that reflect a flow of packets to each of the packet processors (column 3,lines 66-67).

Regarding claim 31, Bragg teaches that the bandwidth divider is configured to identify one of the packet processors to receive the packet based on a length of the packet and the maintained values (column 3, lines 39-44).

Regarding claim 49, Bragg teaches a bandwidth divider (24 of Fig. 2) connected to a plurality of processors (25 corresponds to the claimed processors) comprising: means for monitoring flows of packets provided to the processors (column 1, line 63-column 2, lines 1-6); means for receiving data associated with a packet (column 3, lines 39-40); means for buffering the data until the packet is entirely received (column 3, lines 44-45). Bragg differs from the claimed invention in that Bragg fails to disclose transmit the packet to the identified packet processor. However, the Yu's reference figure 4 discloses transmit the packet to the identified packet processor (column 6, lines 13-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Yu into the system of Bragg with motivation being that it provides capability for the system to enhance performance.

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