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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/123,801	05/06/2005	Ronen Solomon	06727/0202901-US0	8375

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DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
New York, NY 10008-0770

EXAMINER	
KAVLESKI, RYAN C	

ART UNIT	PAPER NUMBER
2419	

MAIL DATE	DELIVERY MODE
12/11/2008	PAPER

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)	
	11/123,801	SOLOMON, RONEN	
	Examiner	Art Unit	
	Ryan C. Kavleski	2419	

-- 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 August 2008*.

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) *1-32* 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4a) Of the above claim(s) _____ is/are withdrawn from consideration.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) *1-32* is/are rejected.

7)☐ Claim(s) _____ 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
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other:

Response to Amendments

1. This communication is in response to Applicant's reply filed under 3 CFR 1.111 on 8/5/2008. Claims 1,4,15, and 18 were amended, claims 29-32 were added and claims 1-32 remain pending.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1,2,4-10,14-16,18-24, and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruckman et al. (US 2004/0228278)(Bruckman hereafter) in view of Ramia et al. (US 2005/0125490)(Ramia hereafter).

Regarding claims 1,15,31, and 32, Bruckman teaches a method for processing data packets in a communication network, comprising:
establishing a for a flow (connection) of the data packets through the communication network (a connection is established for the transmission of data between endpoints)[paragraph 0027], at a node along the path (system A)[refer Fig. 1; 22], which is connected to a subsequent node [refer Fig. 1; 24] along the path by a Link Aggregation (LAG) group [refer Fig. 1; 36][paragraph 0048] comprising a plurality of aggregated physical ports (an aggregation group consists of physical links)[paragraph 0048].

Bruckman doesn't explicitly disclose in a current embodiment that the node selects a port from among the LAG group to serve as part of the path.

However, Bruckman discloses that within the prior art that a distributor with link aggregation, as according to the 802.3 standard, takes information carried in an Ethernet frame and makes a decision to a physical port to which a frame of a conversation should be sent when in communication with end stations [paragraph 0004].

It would have been obvious to one of ordinary skilled in the art given the teachings of Bruckman for a system using link aggregation to, in accordance to the 802.3 standard, to select and maintain a particular physical port to send data frames in a conversation to an end station [refer Bruckman; abstract].

However Bruckman doesn't explicitly disclose choosing a label responsively to a selected port, attaching the label to the data packets in the flow at a point on the path upstream from the node, and upon receiving the data packets at the node, switching the data packets to the subsequent node through the selected port responsively to the label.

Regarding claims 2 and 16, Bruckman doesn't explicitly disclose that a path comprises a tunnel through the communication network.

Ramia teaches a Multi-Protocol Label Switching (MPLS) system that uses downstream nodes to determine labels and distribute the label information upstream [paragraph 0028], the label stack (label) in a packet defining the path (nested tunnel) of the packet through an MPLS network [paragraph 0038]. Ramia teaches that the labels

are assigned to data packets belonging to a particular forwarding equivalence class (FEC), which is a group of packets forwarded in the same manner or over the same path [paragraph 0005], and the labels can be unique to a certain interface or port when assigned [paragraph 0027]. Ramia further teaches that when a label switching router (LSR) receives a packet, the LSR will use the label as an index to a forwarding table and determine an outbound label and interface which will specify a next hop for a packet [paragraph 0024].

It would have been obvious to one of ordinary skilled in the art given the teachings of Bruckman for a node comprising of LAG ports to transmit data over a path with an allocated bandwidth [refer Bruckman; abstract] to combine with the teachings of Ramia to implement MPLS on the node as an LSR. One would be motivated to combine the teachings because MPLS would allow the data packets to be forwarded from the node using LAG while using capabilities such as quality of service and traffic management that would be available with MPLS labels [refer Ramia; paragraph 0002 and paragraph 0005].

Regarding claims 4 and 18, Bruckman teaches that the LAG group, conforms to an IEEE 802.3ad specification (the link aggregation system operates in accordance to the IEEE 802.3 standard)[paragraph 0048 and paragraph 0075].

Regarding claims 5 and 19, Bruckman teaches that in establishing the path comprises receiving a request to establish the path from a preceding node in the communication

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