

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference PU080186	FOR FURTHER ACTION	See item 4 below
International application No. PCT/US2008/014098	International filing date (<i>day/month/year</i>) 30 December 2008 (30.12.2008)	Priority date (<i>day/month/year</i>)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant THOMSON LICENSING		

<p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																								
<p>3. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input checked="" type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																						

	Date of issuance of this report 05 July 2011 (05.07.2011)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Dorothee Mülhausen
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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43*bis*.1)

To:

see form PCT/ISA/220

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2008/014098

International filing date (day/month/year)
30.12.2008

Priority date (day/month/year)

International Patent Classification (IPC) or both national classification and IPC
INV. H04L29/08

Applicant
THOMSON LICENSING

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0
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Date of completion of
this opinion

see form
PCT/ISA/210

Authorized Officer

Hackl, Alexander

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Box No. 1 Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - the international application in the language in which it was filed
 - a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material:
 - on paper
 - in electronic form
 - c. time of filing/furnishing:
 - contained in the international application as filed.
 - filed together with the international application in electronic form.
 - furnished subsequently to this Authority for the purposes of search.
4. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2008/014098

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	<u>5,6,9,10,14</u>
	No: Claims	<u>1-4,7,8,11-13,15</u>
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-15</u>
Industrial applicability (IA)	Yes: Claims	<u>1-15</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Re Item V:

1. Reference is made to the following documents:

D1: US-A-6 098 098 (SANDAHL JOEL E [US] ET AL) 1 August 2000 (2000-08-01)

D2: US 2005/138204 A1 (IYER SHANKER V [US] ET AL) 23 June 2005 (2005-06-23)

D3: US 2007/283049 A1 (RAKOWSKI BRIAN D [US] ET AL) 6 December 2007 (2007-12-06)

2. The subject-matter of **claim 1** does not comply with the dispositions set out in Articles 33 (1) and (2) PCT regarding novelty.

Document D1 discloses according to all the features of claim 1, a method, comprising:

ascertaining whether a first configuration information from a first server at a facility is different from a second configuration information from a second server (abstract: "...to determine if its master and local configuration information are different...)

; and if so,

synchronizing the first configuration information and the second configuration information based on at least one of: a state of the facility, and a relationship between the first server and the second server (e.g. column 8, first line: "...master configuration file replaces the local configuration file...");

wherein the first configuration information and the second configuration information relate to configuration of at least one device at the facility (column 9, second paragraph, fig. 7)

The subject-matter of claim 1 is thus considered to be not new (Articles 33(1) and (2) PCT).

- 2.1 It should be noted that even if the applicant were to interpret claim 1 in such a manner as to enable him to allege that its subject-matter were novel, based on minor differences between the features of this claim and those disclosed in document (s) D1, the subject-matter of this claim would still not involve an inventive step (Articles 33 (1) and (3) PCT), having regard to the disclosure of

document(s) D1 as these documents teach the same object and the same type of solution as claimed in this claim.

3. With respect to the objection raised above, the subject-matter of **independent claim 11** does also not comply with the dispositions set out in Articles 33 (1) and (3) PCT.
- 3.1 The subject-matter of **independent claim 11** corresponds to the subject-matter of method claim 1. The objections raised in respect of the method claim 1, therefore, also apply, mutatis mutandis, to claim 11.
4. The **dependent claims 2 - 10 and 12 - 15** do not seem to contain any subject-matter which, in combination with the subject-matter of the claim on which they are dependent, would lead to a claim involving an inventive activity (Article 33(3) PCT).
They are either derivable from the above cited documents or concern simple embodiments without inventive merit in themselves.

Re Item VII

Certain defects in the international application

1. The independent claims are not in the **two-part form** required by Rule 6.3(b) PCT, with a preamble based on D1.
2. The features of the claims are not provided with **reference signs** placed in parentheses (Rule 6.2(b) PCT).
3. Contrary to the requirements of Rule 5.1 (a)(ii) PCT, the relevant **background art** disclosed in document(s) D1 is not discussed in the description, nor is this document identified therein.