

**PATENT COOPERATION TREATY**

**TRANSLATION**

From the  
INTERNATIONAL SEARCHING AUTHORITY

**PCT**

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **11.05.2010**

Applicant's or agent's file reference  
**NE-71608WO**

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
**PCT/JP2010/001880**

International filing date (day/month/year)  
**16.03.2010**

Priority date (day/month/year)  
**31.03.2009**

International Patent Classification (IPC) or both national classification and IPC  
**G06F13/00 (2006.01) i**

Applicant  
**NEC CORPORATION**

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 43bis.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 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 66.1bis(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/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

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Box No. I	Basis of this opinion
1.	<p>With regard to the <b>language</b>, this opinion has been established on the basis of:</p> <p><input checked="" type="checkbox"/> the international application in the language in which it was filed</p> <p><input type="checkbox"/> 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)).</p>
2.	<p><input type="checkbox"/> This opinion has been established taking into account the <b>rectification of an obvious mistake</b> authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))</p>
3.	<p>With regard to any <b>nucleotide and/or amino acid sequence</b> disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:</p> <p>a. (means)</p> <p><input type="checkbox"/> on paper</p> <p><input type="checkbox"/> in electronic form</p> <p>b. (time)</p> <p><input type="checkbox"/> in the international application as filed</p> <p><input type="checkbox"/> together with the international application in electronic form</p> <p><input type="checkbox"/> subsequently to this Authority for the purposes of search</p>
4.	<p><input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing 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.</p>
5.	Additional comments:

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<b>Box No. V</b>	<b>Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</b>																		
1. Statement																			
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; padding: 5px;">Novelty (N)</td> <td style="padding: 5px;">Claims <u>1-23</u></td> <td style="width: 10%; text-align: right; padding: 5px;">YES</td> </tr> <tr> <td></td> <td style="padding: 5px;">Claims _____</td> <td style="width: 10%; text-align: right; padding: 5px;">NO</td> </tr> <tr> <td style="padding: 5px;">Inventive step (IS)</td> <td style="padding: 5px;">Claims _____</td> <td style="width: 10%; text-align: right; padding: 5px;">YES</td> </tr> <tr> <td></td> <td style="padding: 5px;">Claims <u>1-23</u></td> <td style="width: 10%; text-align: right; padding: 5px;">NO</td> </tr> <tr> <td style="padding: 5px;">Industrial applicability (IA)</td> <td style="padding: 5px;">Claims <u>1-23</u></td> <td style="width: 10%; text-align: right; padding: 5px;">YES</td> </tr> <tr> <td></td> <td style="padding: 5px;">Claims _____</td> <td style="width: 10%; text-align: right; padding: 5px;">NO</td> </tr> </table>	Novelty (N)	Claims <u>1-23</u>	YES		Claims _____	NO	Inventive step (IS)	Claims _____	YES		Claims <u>1-23</u>	NO	Industrial applicability (IA)	Claims <u>1-23</u>	YES		Claims _____	NO	
Novelty (N)	Claims <u>1-23</u>	YES																	
	Claims _____	NO																	
Inventive step (IS)	Claims _____	YES																	
	Claims <u>1-23</u>	NO																	
Industrial applicability (IA)	Claims <u>1-23</u>	YES																	
	Claims _____	NO																	
2. Citations and explanations:																			
<p>Document 1: JP 2000-29813 A (Hitachi, Ltd.), 28 January 2000, paragraphs [0040] to [0048] and [0061] to [0066]; fig. 1 to 3 (Family: none)</p> <p>Document 2: JP 2007-184969 A (Fujitsu Ltd.), 19 July 2007, paragraphs [0060] to [0080]; fig. 1 &amp; US 2005/0188073 A, paragraphs [0116] to [0160]; fig. 1</p> <p>Document 3: JP 08-44677 A (Toshiba Corp.), 16 February 1996, paragraphs [0022] and [0026] to [0029]; fig. 2 (Family: none)</p> <p>Document 4: JP 2001-312438 A (Noritsu Koki Co., Ltd.), 09 November 2001, paragraphs [0101] to [0103] and [0108] to [0114]; fig. 1 to 2, 8 and 9 (Family: none)</p> <p>Document 5: JP 2008-234522 A (Hitachi, Ltd.), 02 October 2008, paragraphs [0115] and [0128] &amp; CN 101272263 A, TW 200839534 A</p> <p style="text-align: center; margin-top: 20px;">The invention as in claims 1-3, 6, 18, and 22 does not involve an inventive step in the light of documents 1 and 2</p>																			

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**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

cited in the ISR. Document 1 (paragraph [0048]) indicates that a client selects an optimal connection target server. In document 1, the "content information table" of the present application is indicated in paragraphs [0040] to [0047] (the "mirror server information") and making a selection on the basis of "access cost, is indicated in paragraphs [0061] to [0065] ("connection paths are surveyed and a connection server is determined"). Also, a configuration corresponding to the "network information distribution device" is suggested in paragraph [0066]. Document 2 (paragraphs [0060] to [0080]) discloses an example of an "evaluation index" that is used to calculate an "access cost", said "access cost" being calculated as the sum of "evaluation indices" of the paths between nodes in the path. The inventions in documents 1 and 2 both have as a technical problem the selection of an optimal connection target server. It would be easy for a person skilled in the art to conceive of applying the configuration disclosed in document 2 to the invention in document 1 in order to resolve this shared technical problem.

The invention as in claims 4, 5, 19, and 23 does not involve an inventive step in the light of document 1, document 2, and document 3 cited in the ISR. Document 3 (paragraphs [0022] and [0026] to [0029]) indicates that a connection target server is selected on the basis of a "load reference table" that records server loads. The inventions in documents 1 to 3 all have as a technical problem the selecting of an optimal connection target server. It would be easy for a person skilled in the art to conceive of applying the configurations disclosed in document 2 and document 3 to the invention in document 1 in order to resolve this shared technical problem.

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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

The invention as in claims 7 to 17, 20, and 21 does not involve an inventive step in the light of document 2, document 4, and document 5 cited in the ISR.

Document 4 (paragraphs [0101] to [0103] and [0108] to [0114]) indicates that if a distribution server does not contain content requested by a client, an optimal server is selected from the other distribution servers and said content is received. Also, a configuration corresponding to the "content information table" in the present application is indicated in paragraph [0113].

Document 5 (paragraph [0115]) indicates that when a data management server selects another data management server, information corresponding to "load information" and "access cost" is used. Also, paragraph [0128] indicates that a request from a client is redirected to another selected data management server.

Document 2 (paragraphs [0060] to [0080]) indicates a method for determining access cost. The inventions disclosed in documents 2, 4, and 5 share the technical problem of providing a configuration wherein a server that distributes data selects another optimal distribution server and receives data from said other server. It would be easy for a person skilled in the art to conceive of applying the configurations disclosed in documents 2 and 5 to the invention disclosed in document 4 in order to resolve the shared technical problem.