

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 27

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte LEE D. WILLSON  
and DANIEL J. WINARSKI

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Appeal No. 96-3668  
Application 08/314,574<sup>1</sup>

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ON BRIEF

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Before URYNOWICZ, BARRETT and FRAHM, Administrative Patent Judges.

URYNOWICZ, Administrative Patent Judge.

DECISION ON APPEAL

This appeal is from the final rejection of claims 1, 2 and 8-12, all the claims pending in

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<sup>1</sup> Application for patent filed September 28, 1994. According to appellants, this application is a continuation of Application 07/757,797, filed September 11, 1991, abandoned.

the application.

The invention pertains to an automated machine-type media storage library and method for maximizing storage media hit ratio in the library. Claims 1 and 8 are illustrative and read as follows:

1. A method for maximizing storage media hit ratio in a machine-type media storage library, said library having a host processor connected thereto, said library having a plurality of physically individual media for storing data files thereon, said library having at least one machine-type access device for accessing files on media that is currently in said at least one access device, said at least one access device functioning as a first physical level of storage that is currently accessible by said host processor, and said library having a second physical level of media storage that is transferrable to said at least one access device, files stored in said first level being accessible directly by said host processor, and files stored in said second level being accessible by said host processor after a media containing files is physically transferred from said second level to said first level, the method comprising the machine-executed steps of:

physically transferring media from said second level to said first level;

electronically accessing files on media at said first level;

electronically tracking the number of physical accesses of each file at said first level;

electronically tracking the number of physical transfers of each media from said second level to said first level;

electronically determining frequently accessed files and frequently transferred media;

and

electronically migrating said frequently accessed files to said frequently transferred media.

8. An automated machine-type media storage library connected to a host processor, said library physically manipulating a plurality of media stored therein, each media including at least one data volume thereon, and each data volume including a plurality of data files, the library comprising:

a plurality of peripheral media access devices;

a plurality of physically separated storage cells, each storage cell being capable of storing one of said media therein;

machine-executed means for physically moving media between said access devices and said storage cells, said machine-executed means operating to physically mount media on said access devices as media is physically moved from said storage cells to said access devices;

each access device providing said host processor with access to data files in a data volume on media that is mounted in an access device;

electronic means for counting the number of times each data file is accessed by an access device and generating a data file access count;

electronic means for counting the number of times each media is physically mounted by said mounting means in an access device and generating a media mount count;

electronic means responsive to said data file access count for determining frequently accessed data files;

electronic means responsive to said media mount count for determining frequently mounted media; and

electronic means for transferring said frequently accessed data files to said frequently mounted media.

The references relied upon by the examiner as evidence of obviousness are:

Clark et al. (Clark)	4,987,533	Jan. 22, 1991
Warr	5,131,087	Jul. 14, 1992 (filed Nov. 21, 1990)

The appealed claims stand rejected under 35 U.S.C. § 103 as unpatentable over Warr and Clark.

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The respective positions of the examiner and the appellants with regard to the propriety of the rejection, are set forth in the final rejection (Paper No. 20) and the examiner's answer (Paper No. 26), and the appellants' brief (Paper No. 25).

The Rejection under 35 U.S.C. §103

After consideration of the positions and arguments presented by both the examiner and the appellants, we have concluded that the rejection should not be sustained.

With respect to claim 1 as presently drafted, it has not been shown in the examiner's answer that either reference discloses electronically tracking the number of physical accesses of each file on a media (i.e., appellants' disk) at a first level or electronically tracking the number of physical transfers of each media from a second level to a first level. Further, neither reference has been shown to teach electronically determining frequently accessed files and frequently transferred media, nor electronically migrating frequently accessed files to frequently transferred media. Whereas there is no suggestion or teaching that it would have been obvious to modify the combined teaching of Warr and Clark to make the modifications obvious, the rejection cannot be sustained. In re Fritch, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992).

Independent claim 8 is directed to a media storage library for performing the method defined in claim 1, and for that reason, the rejection of claim 8 will not be sustained.

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Whereas claim 2 depends from claim 1 and claims 9-12 depend from claim 8, the rejection of claims 2 and 9-12 will not be sustained.

REVERSED

STANLEY M. URYNOWICZ, JR )  
Administrative Patent Judge )  
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)  
) BOARD OF PATENT  
LEE E. BARRETT )  
Administrative Patent Judge ) APPEALS AND  
)  
) INTERFERENCES  
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ERIC S. FRAHM )  
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