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**Datasheet for the decision
of 17 April 2019**

Case Number: T 1129/13 - 3.5.05

Application Number: 02258764.6

Publication Number: 1324180

IPC: G06F3/06, G06F1/00

Language of the proceedings: EN

Title of invention:
System and method for partitioning a storage area network
associated data library

Applicant:
Hewlett Packard Enterprise Development LP

Headword:
Partitioned data library I/HEWLETT PACKARD

Relevant legal provisions:
EPC Art. 56

Keyword:
Inventive step - (no)

Beschwerdekammern

Boards of Appeal

Chambres de recours

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Case Number: T 1129/13 - 3.5.05

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 17 April 2019

Appellant: (Applicant)	Hewlett Packard Enterprise Development LP 11445 Compaq Center Drive West Houston, TX 77070 (US)
Representative:	EIP EIP Europe LLP Fairfax House 15 Fulwood Place London WC1V 6HU (GB)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 6 December 2012 refusing European patent application No. 02258764.6 pursuant to Article 97(2) EPC**

Composition of the Board:

Chair	A. Ritzka
Members:	R. de Man
	F. Blumer

Summary of Facts and Submissions

I.   The applicant (appellant) appealed against the decision
        of the examining division refusing European patent
        application No. 02258764.6.

II.   The examining division decided that independent
        claims 1 and 8 of the then main request were not clear
        and that the subject-matter of all claims of both the
        main request and the first auxiliary request lacked
        inventive step in view of the following documents:

        D2: EP 1 158 386 A2, 28 November 2001; and
        D3: EP 1 156 408 A1, 21 November 2001.

        The second auxiliary request was not admitted into the
        proceedings under Rule 137(3) EPC.

III.   In its statement of grounds of appeal, the appellant
        maintained the first auxiliary request considered in
        the decision under appeal as its sole substantive
        request.

IV.   In a communication accompanying the summons to oral
        proceedings, the board introduced the following
        document:

        D4: WO 01/20470 A1, 22 March 2001.

        It expressed the preliminary opinion that the subject-
        matter of claim 1 lacked inventive step in view of a
        combination of document D3 and common general knowledge
        as evidenced by, *inter alia*, documents D2 and D4.

V.   In a letter dated 28 January 2019, the appellant
        informed the board that it would not attend the oral
        proceedings.

VI.   Oral proceedings were held on 17 April 2019 in the
        appellant's absence. At the end of the oral
        proceedings, the chair announced the board's decision.

VII.   The appellant requested that the decision under appeal
        be set aside and that a patent be granted on the basis
        of the claims of the sole substantive request.

VIII.   Claim 1 of the sole substantive request reads as
        follows:

        "A storage area network associated data library
        partitioning system (200) characterised by:
        a plurality of partitions (215-217) comprising at least
        one secured partition, each of said plurality of
        partitions comprising at least one set of at least one
        storage element slots (205) adapted to store data
        storage media and at least one set of at least one data
        transfer elements (201-204) that are adapted to receive
        said data storage media and transfer data to and from
        said data storage media; and
        a library controller (213) that assigns a different
        logical element designation (LUN1, LUN2, LUN3) to a
        virtual controller for each of said plurality of
        partitions, said virtual controllers directing movement
        of said media to and from said at least one set of
        slots and at least one set of data transfer elements
        assigned to a same of said plurality of partitions,
        wherein the or each said secured partition is secured
        by restricting access to users of said storage area
        network having a unique host device identifier that is

listed in a list of unique host device identifiers for access to a particular secured partition."

IX.   The appellant's arguments, where relevant to the decision, are discussed in detail below.

Reasons for the Decision

1.   The appeal complies with the provisions referred to in Rule 101 EPC and is therefore admissible.

2.   *The invention as defined by claim 1*

2.1   Claim 1 is directed to a data library partitioning system associated with a storage area network. The system includes a number of "storage element slots" and "data transfer elements". A data transfer element can receive a data storage medium (such as a data tape or an optical disk) held in a storage element slot and transfer data to and from the medium.

2.2   The storage element slots and data transfer elements are organised in a plurality of partitions. The data library partitioning system comprises a library controller that assigns a different "logical element designation" to a "virtual controller" for each partition. The virtual controllers direct movement of data storage media between slots and data transfer elements assigned to the same partition.

2.3   At least one of the partitions is a "secured" partition, meaning that access to the partition is restricted to users having a unique host-device identifier that is listed in the list of unique host-

device identifiers that have been given access to the
partition.

3.   *Inventive step*

3.1   Document D3 discloses a data library system, which is
         schematically shown in Figures 1 to 3. The system
         comprises a server machine 12 communicating through a
         SCSI bus with data library 14. The data library
         includes a library unit 16 (paragraph [0009]), which
         has a recording-medium storage section 30 and a
         recording-medium reproduction section 32 (paragraph
         [0011]). The recording-medium storage section 30
         contains 600 storage element slots ("pallets") 34 and
         is divided into three storage stations 30_0, 30_1 and
         30_2, respectively containing 300 slots for CD-ROMs, 150
         slots for DVD-RAMs and 150 slots for DVD-ROMs
         (paragraph [0012]). The recording-medium reproduction
         section 32 is divided into three reproduction stations
         32_0, 32_1 and 32_2 corresponding to the three types of
         recording media (CD-ROMs, DVD-RAMs and DVD-ROMs), each
         station including one or more data transfer elements
         ("drives") (paragraph [0013]). The library unit further
         includes a media transport element ("recording medium
         transfer section") for the transfer of recording media
         between slots (paragraph [0010]).

3.2   The data transfer elements of each reproduction station
         are adapted to receive data storage media of the
         corresponding type and to transfer data from those
         storage media. Since CD-ROMs and DVD-ROMs are not
         writable, the data transfer elements corresponding to
         those two types are not adapted to transfer data to the
         data storage media. In contrast, the data transfer
         elements corresponding to the DVD-RAMs are adapted to
         transfer data both from and to the data storage media

(paragraph [0026], "recording medium storage/ reproduction station 46_0 for DVD-RAMs").

3.3   According to paragraph [0023], the disclosure of document D3 is not limited to the CD-ROM, DVD-RAM and DVD-ROM types of storage media. Other possible recording media include tape units such as DLT, 3590, 8mm and AIT, DVD-R, DVD+RW, CD-R, CD-RW, CD-Audio, CD-I, CD-DA, CD-ROM XA and optical magnetic disks. Several of these media are writable.

3.4   The three reproduction stations 32_0, 32_1 and 32_2 with their respective storage stations 30_0, 30_1 and 30_2 form partitions or "virtual units" 36_0, 36_1 and 36_2 (paragraph [0014]). The library unit 16 includes a library controller 40, which is logically divided into three controls 40_0, 40_1 and 40_2 with logical unit numbers LUN0, LUN1 and LUN2 corresponding to the partitions 36_0, 36_1 and 36_2 (paragraph [0016]).

3.5   The library controller directs movement of CD-ROMs between slots of storage station 30_0 and data transfer elements of reproduction station 32_0 (paragraphs [0019] and [0020]). Likewise, it directs movement of DVD-RAMs and DVD-ROMs between slots of storage stations 30_1 and 30_2 and data transfer elements of reproduction stations 32_1 and 32_2, respectively (paragraph [0020]).

3.6   Although in Figure 1 the data library 14 is connected to the server machine via a SCSI bus, paragraph [0024] discloses that they may also be connected via a fibre channel network, which results in a "storage area network".

3.7   The subject-matter of claim 1 therefore differs from the data library disclosed in document D3 in that:

(a) each partition comprises a data transfer element
    adapted to transfer data not only from but also to
    a data storage medium; and

(b) at least one of the partitions is secured in the
    sense that access to the partition is restricted to
    users of the storage area network having a unique
    host-device identifier listed in the list of unique
    host-device identifiers that have been given access
    to the partition.

Since there is no functional interaction between the
two differences, treating them separately in the
assessment of inventive step is justified.

3.8   Difference (a) can be arrived at in an obvious manner
        by replacing the non-writable media types of the
        library system shown in Figures 1 to 3 of document D3
        with writable media types and adapting the
        corresponding data transfer elements accordingly (see
        points 3.2 and 3.3 above).

3.9   Difference (b) concerns controlling access to a
        "secured" partition by means of an access-control list
        which lists the entities that have permission to access
        the partition.

        According to paragraph [0025] of document D3, the data
        library may be connected to more than one server
        machine (or "host" of a storage area network). In that
        case, it is obvious to consider the problem of
        controlling access to one or more of the partitions
        36_0, 36_1 and 36_2 by the various server machines.

        Starting from the data library of document D3 and faced
        with this problem, the skilled person would have

consulted document D4, which relates to controlling
access to a shared storage device such as a disk-drive
storage array in a network having a plurality of host
computers (see abstract). Document D4, on page 7,
lines 13 to 23, proposes limiting access to a storage
volume to a specific set of host computers on the basis
of unique host identifiers. In applying this solution
to the data library of document D3, the skilled person
would have arrived at difference (b) without the
exercise of inventive skill.

3.10   In its statement of grounds of appeal, the appellant
        argued that in document D3 all partitions were intended
        to be accessible by all client machines connected to
        the server machine and that D3 therefore taught away
        from secured partitions with user-restricted access.
        The appellant further argued that the question was not
        whether the skilled person <u>could</u> have made the change,
        but whether he <u>would</u> have made it.

        However, in the context of the problem-solution
        approach, once the problem has been formulated, the
        question to be answered is whether there is any
        teaching in the prior art as a whole that would have
        prompted the skilled person, <u>faced with the objective
        technical problem</u>, to modify or adapt the closest prior
        art to arrive at something falling within the terms of
        the claims (see Case Law of the Boards of Appeal, 8th
        edition, 2016, I.D.5). Given that the objective
        technical problem asks the skilled person to look for a
        way to control access to partitions, it does not matter
        that document D3 itself fails to point in that
        direction.

        In the present case, the board sees nothing in document
        D3 that would have prevented the skilled person either

from considering the question of securing access or
from applying the solution known from document D4.

3.11   Hence, the subject-matter of claim 1 lacks inventive
        step (Article 56 EPC).

4.   *Conclusion*

        Since the sole substantive request is not allowable,
        the appeal is to be dismissed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chair:

K. Götz-Wein   A. Ritzka

Decision electronically authenticated