

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Appln. No: **16/687,966**  
Applicant: **Cirba IP Inc.**  
Filed: **November 19, 2019**  
Title: **Method and System for Determining Compatibility of Computer Systems**  
Art Unit: **2451**  
Examiner: **MEJIA, ANTHONY**  
Docket No: **59612/00099**

Mail Stop Amendment  
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**VOLUNTARY AMENDMENT**

Sir:

This is further to the Notice of Allowance mailed October 5, 2020. Applicant advises that a Request for Continued Examination (RCE) and supplemental IDS are being filed concurrently herewith and wishes to amend the above-identified application as follows:

**Amendments to the Claims:** are reflected in the listing of claims that begins on page 2 of this paper.

**Remarks:** begin on page 14 of this paper.

### **Amendments to the Claims**

This listing of claims will replace all prior versions and listings of claims in the application:

#### Listing of claims:

1. (Canceled)

2. (Currently amended) A system for determining placement of [[a]] source computer systems on [[a]] target computer systems, the system configured to execute operations causing the system to:

collect data for a collection of computer systems, the collection of computer systems comprising a plurality of source systems and a plurality of target systems;

determine a placement of at least one source system from the collection of computer systems on at least one target system from the collection of computer systems by employing the following operations:

evaluate compatibility between a specific source system from any one of the plurality of source systems and a specific target system from any one of the plurality of target systems by evaluating one or more rules that operate against attributes or data relating to the source and target systems being evaluated;

evaluate compatibility between ~~any two or more of~~ the specific source system from the plurality of source systems and one or more other source systems either already placed on the specific target system, or being evaluated for placement onto the specific target system, to determine if the specific source system can be placed with those other source systems on the specific target system, by evaluating one or more rules that operate against attributes or data relating to the ~~two or more~~ source systems;

evaluate compatibility between ~~any one of the plurality of~~ the specific source system systems and ~~the specific any one of the plurality of~~ target system systems by evaluating the impact on resource utilization of the specific target system of placing ~~[[that]]~~ the specific source system on ~~[[that]]~~ the specific target system, in combination with ~~[[any]]~~ the one or more other source systems, either

already placed on ~~[[that]]~~ the specific target system, or being evaluated for placement onto ~~[[that]]~~ the specific target system; and  
~~determine a placement of at least one source system of the collection of systems on at least one target system of the collection of systems by employing the evaluating operations on any one or more of the systems of the collection of systems; and~~  
issue instructions to place the at least one source system on the at least one target system in accordance with the determined placement determining.

3. (Currently amended) The system of claim 2, wherein the at least one source system being placed on the at least one target system ~~[[is]]~~ comprises a new computer system that is not ~~[[yet]]~~ currently running on a target system in the collection of computer systems.

4. (Cancel)

5. (Currently amended) The system of claim 3, wherein the rules relating to the evaluation of source and target systems, ~~[[or]]~~ and the rules relating to the ~~[[two]]~~ evaluation of source systems against other source systems, are capable of being user-defined.

6. (Currently amended) The system of claim 5, further configured to factor in user-entered attributes of any of the systems in the collection of computer systems.

7. (Previously presented) The system of claim 3, wherein the rule-based compatibility analysis evaluates technical considerations.

8. (Previously presented) The system of claim 7, wherein the technical considerations comprise an evaluation of operating system, OS version, patches, application settings, or hardware devices.

9. (Previously presented) The system of claim 3 wherein the rule-based compatibility analysis evaluates business considerations.

10. (Previously presented) The system of claim 9, wherein the business considerations

comprise an evaluation of physical location, organization department, data segregation requirements, owner, service level agreements, maintenance windows, hardware lease agreements, or software licensing agreements.

11. (Currently amended) The system of claim 3, wherein the rule-based compatibility analysis ~~evaluates~~ is capable of evaluating both technical and business considerations between source and target systems and between source systems and other source systems.

12. (Currently amended) The system of claim 2, wherein the rules relating to the evaluation of source and target systems, ~~[[or]]~~ and the rules relating to the ~~[[two]]~~ evaluation of source systems against other source systems, are capable of being user-defined.

13. (Currently amended) The system of claim 12, further configured to factor in user-entered attributes of any of the systems in the collection of computer systems.

14. (Previously presented) The system of claim 12, wherein the rule-based compatibility analysis evaluates technical considerations.

15. (Previously presented) The system of claim 14, wherein the technical considerations comprise an evaluation of operating system, OS version, patches, application settings, or hardware devices.

16. (Previously presented) The system of claim 12 wherein the rule-based compatibility analysis evaluates business considerations.

17. (Previously presented) The system of claim 16, wherein the business considerations comprise an evaluation of physical location, organization department, data segregation requirements, owner, service level agreements, maintenance windows, hardware lease agreements, or software licensing agreements.

18. (Currently amended) The system of claim 12, wherein the rule-based compatibility analysis ~~evaluates~~ is capable of evaluating both technical and business considerations between source

and target systems and between source systems and other source systems.

19. (Currently amended) The system of claim 18, wherein the at least one source system being placed on the at least one target system ~~[[is]] comprises~~ a new computer system that is not ~~[[yet]] currently~~ running on a target system in the collection of computer systems.

20. (Previously presented) The system of claim 2, wherein the rule-based compatibility analysis evaluates technical considerations.

21. (Previously presented) The system of claim 20, wherein the technical considerations comprise an evaluation of operating system, OS version, patches, application settings, or hardware devices.

22. (Previously presented) The system of claim 2, wherein the rule-based compatibility analysis evaluates business considerations.

23. (Previously presented) The system of claim 22, wherein the business considerations comprise an evaluation of physical location, organization department, data segregation requirements, owner, service level agreements, maintenance windows, hardware lease agreements, or software licensing agreements.

24. (Currently amended) The system of claim 2, wherein the rule-based compatibility analysis ~~evaluates~~ is capable of evaluating both technical and business considerations between source and target systems and between source systems and other source systems.

25. (Cancel)

26. (Currently amended) The system of claim ~~[[25]]~~ 24, wherein benchmarks are used to normalize CPU utilization data between source and target systems in order to account for differing CPU performance for different systems.

27. (Currently amended) The system of claim 2, wherein the system is located remotely from

the collection of computer systems.

28. (Previously presented) The system of claim 2, wherein the placement takes into account a pre-existing source-target transfer set, and any placements are incremental to the transfer set.

29. (Currently amended) The system of claim 2, wherein the at least one target system onto which the at least one source system is placed ~~[[is]]~~ comprises a new computer system.

30. (Currently amended) A computer implemented method for placing a source system on a target system, the method comprising:

collecting data for a collection of computer systems, the collection of computer systems comprising a plurality of source systems and a plurality of target systems;

determining a placement of at least one source system from the collection of computer systems on at least one target system from the collection of computer systems by employing the following operations:

evaluating compatibility between a specific source system from ~~any one~~ of the plurality of source systems and a specific target system from ~~any one of~~ the plurality of target systems by evaluating one or more rules that operate against attributes or data relating to the source and target systems being evaluated;

evaluating compatibility between ~~any two or more of~~ the specific source system from the plurality of source systems and one or more other source systems either already placed on the specific target system, or being evaluated for placement onto the specific target system, to determine if the specific source system can be placed with those other source systems on the specific target system, by evaluating one or more rules that operate against attributes or data relating to the ~~two or more~~ source systems;

evaluating compatibility between ~~any one of the plurality of~~ the specific source system systems and ~~the specific any one of the plurality of~~ target system systems by evaluating the impact on resource utilization of the specific target system of placing ~~[[that]]~~ the specific source system on ~~[[that]]~~ the specific target system, in combination with ~~[[any]]~~ the one or more other source systems, either

already placed on ~~[[that]]~~ the specific target system, or being evaluated for placement onto ~~[[that]]~~ the specific target system; and  
~~determining a placement of at least one source system of the collection of systems on at least one target system of the collection of systems by employing the evaluating operations on any one or more of the systems of the collection of systems; and~~  
issuing instructions to place the at least one source system on the at least one target system in accordance with the determined placement ~~determining~~.

31. (Currently amended) The method of claim 30, wherein the at least one source system being placed on the at least one target system ~~[[is]]~~ comprises a new computer system that is not ~~[[yet]]~~ currently running on a target system in the collection of computer systems.

32. (Cancel)

33. (Currently amended) The method of claim 31, wherein the rules relating to the evaluation of source and target systems, ~~[[or]]~~ and the rules relating to the ~~[[two]]~~ evaluation of source systems against other source systems, are user-defined.

34. (Currently amended) The method of claim 33, further comprising factoring in user-entered attributes of any of the systems in the collection of computer systems.

35. (Previously presented) The method of claim 31, wherein the rule-based compatibility analysis evaluates technical considerations.

36. (Previously presented) The method of claim 35, wherein the technical considerations comprise an evaluation of operating system, OS version, patches, application settings, or hardware devices.

37. (Previously presented) The method of claim 31 wherein the rule-based compatibility analysis evaluates business considerations.

38. (Previously presented) The method of claim 37, wherein the business considerations

comprise an evaluation of physical location, organization department, data segregation requirements, owner, service level agreements, maintenance windows, hardware lease agreements, or software licensing agreements.

39. (Currently amended) The method of claim 31, wherein the rule-based compatibility analysis evaluates both technical and business considerations between source and target systems and between source systems and other source systems.

40. (Currently amended) The method of claim 30, wherein the rules relating to the evaluation of source and target systems, [[or]] and the rules relating to the [[two]] evaluation of source systems against other source systems, are user-defined.

41. (Currently amended) The method of claim 40, further comprising factoring in user-entered attributes of any of the systems in the collection of computer systems.

42. (Previously presented) The method of claim 40, wherein the rule-based compatibility analysis evaluates technical considerations.

43. (Previously presented) The method of claim 42, wherein the technical considerations comprise an evaluation of operating system, OS version, patches, application settings, or hardware devices.

44. (Previously presented) The method of claim 40 wherein the rule-based compatibility analysis evaluates business considerations.

45. (Previously presented) The method of claim 44, wherein the business considerations comprise an evaluation of physical location, organization department, data segregation requirements, owner, service level agreements, maintenance windows, hardware lease agreements, or software licensing agreements.

46. (Currently amended) The method of claim 40, wherein the rule-based compatibility analysis evaluates both technical and business considerations between source and target systems and



between source systems and other source systems.

47. (Currently amended) The method of claim 46, wherein the at least one source system being placed on the at least one target system [[is]] comprises a new computer system that is not [[yet]] currently running on a target system in the collection of computer systems

48. (Previously presented) The method of claim 30, wherein the rule-based compatibility analysis evaluates technical considerations.

49. (Previously presented) The method of claim 48, wherein the technical considerations comprise an evaluation of operating system, OS version, patches, application settings, or hardware devices.

50. (Previously presented) The method of claim 30, wherein the rule-based compatibility analysis evaluates business considerations.

51. (Previously presented) The method of claim 50, wherein the business considerations comprise an evaluation of physical location, organization department, data segregation requirements, owner, service level agreements, maintenance windows, hardware lease agreements, or software licensing agreements.

52. (Currently amended) The method of claim 30, wherein the rule-based compatibility analysis evaluates both technical and business considerations between source and target systems and between source systems and other source systems.

53. (Cancel)

54. (Currently amended) The method of claim [[53]] 52, wherein benchmarks are used to normalize CPU utilization data between source and target systems in order to account for differing CPU performance for different systems.

55. (Currently amended) The method of claim 30, wherein the method is implemented remotely

from the collection of computer systems.

56. (Previously presented) The method of claim 30, wherein the placement takes into account a pre-existing source-target transfer set, and any placements are incremental to the transfer set.

57. (Currently amended) The method of claim 30, wherein the at least one target system onto which the at least one source system is placed ~~[[is]]~~ comprises a new computer system.

58. (Currently amended) A non-transitory computer readable medium comprising computer-executable instructions for placing a source system on a target system, comprising instructions for:

collecting data for a collection of computer systems, the collection of computer systems comprising a plurality of source systems and a plurality of target systems;

determining a placement of at least one source system from the collection of computer systems on at least one target system from the collection of computer systems by employing the following operations:

evaluating compatibility between a specific source system from any one of the plurality of source systems and a specific target system from any one of the plurality of target systems by evaluating one or more rules that operate against attributes or data relating to the source and target systems being evaluated;

evaluating compatibility between ~~any two or more of~~ the specific source system from the plurality of source systems and one or more other source systems either already placed on the specific target system, or being evaluated for placement onto the specific target system, to determine if the specific source system can be placed with those other source systems on the specific target system, by evaluating one or more rules that operate against attributes or data relating to the ~~two or more~~ source systems;

evaluating compatibility between ~~any one of the plurality of~~ the specific source system ~~systems and the specific any one of the plurality of target system systems~~ by evaluating the impact on resource utilization of the specific target system of placing ~~[[that]]~~ the specific source system on ~~[[that]]~~ the specific target

system, in combination with ~~[[any]]~~ the one or more other source systems, either already placed on ~~[[that]]~~ the specific target system, or being evaluated for placement onto ~~[[that]]~~ the specific target system; and

~~determining a placement of at least one source system of the collection of systems on at least one target system of the collection of systems by employing the evaluating operations on any one or more of the systems of the collection of systems; and~~

issuing instructions to place the at least one source system on the at least one target system in accordance with the determined placement ~~determining~~.

59. (New) The system of claim 2, wherein the evaluating operations are performed in two or more iterations using the specific source system and different specific target systems, and wherein a specific iteration is selected to determine placement according to at least one predetermined criterion.

60. (New) The system of claim 3, wherein the evaluating operations are performed in two or more iterations using the specific source system and different specific target systems, and wherein a specific iteration is selected to determine placement according to at least one predetermined criterion.

61. (New) The system of claim 12, wherein the evaluating operations are performed in two or more iterations using the specific source system and different specific target systems, and wherein a specific iteration is selected to determine placement according to at least one predetermined criterion.

62. (New) The system of claim 24, wherein the evaluating operations are performed in two or more iterations using the specific source system and different specific target systems, and wherein a specific iteration is selected to determine placement according to at least one predetermined criterion.

63. (New) The system of claim 2, wherein:

the at least one source system being placed on the at least one target system comprises a new computer system that is not currently running on a target system in the collection of

computer systems;

the rules relating to the evaluation of source and target systems, and the rules relating to the evaluation of source systems against other source systems, are capable of being user-defined;

the rule-based compatibility analysis is capable of evaluating both technical and business considerations between source and target systems and between source systems and other source systems, wherein benchmarks are used to normalize CPU utilization data between source and target systems in order to account for differing CPU performance for different systems; and

the evaluating operations are performed in two or more iterations using the specific source system and different specific target systems, and wherein a specific iteration is selected to determine placement according to at least one predetermined criterion.

64. (New) The method of claim 30, wherein the evaluating operations are performed in two or more iterations using the specific source system and different specific target systems, and wherein a specific iteration is selected to determine placement according to at least one predetermined criterion.

65. (New) The method of claim 31, wherein the evaluating operations are performed in two or more iterations using the specific source system and different specific target systems, and wherein a specific iteration is selected to determine placement according to at least one predetermined criterion.

66. (New) The method of claim 40, wherein the evaluating operations are performed in two or more iterations using the specific source system and different specific target systems, and wherein a specific iteration is selected to determine placement according to at least one predetermined criterion.

67. (New) The method of claim 52, wherein the evaluating operations are performed in two or more iterations using the specific source system and different specific target systems, and wherein a specific iteration is selected to determine placement according to at least one predetermined criterion.

68. (New) The method of claim 30, wherein:

the at least one source system being placed on the at least one target system comprises a new computer system that is not currently running on a target system in the collection of computer systems;

the rules relating to the evaluation of source and target systems, and the rules relating to the evaluation of source systems against other source systems, are user-defined;

the rule-based compatibility analysis evaluates both technical and business considerations between source and target systems and between source systems and other source systems, wherein benchmarks are used to normalize CPU utilization data between source and target systems in order to account for differing CPU performance for different systems; and

the evaluating operations are performed in two or more iterations using the specific source system and different specific target systems, and wherein a specific iteration is selected to determine placement according to at least one predetermined criterion.

**REMARKS**

Applicant wishes to thank the Examiner for reviewing the present application and for the indication of allowability.

The claims have been amended to rearrange the "determine/determining" operation and to clarify the protection being sought. Claims 4, 25, 32 and 53 have been canceled. New claims 59-68 have been added, which are directed to additional aspects or features.

Applicant submits that no new subject matter has been added by way of these amendments.

Applicant requests early reconsideration and allowance of the present application.

Respectfully submitted,

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**Date: December 10, 2020**

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