

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RODOLFO A. MANCISIDOR

Appeal No. 2000-0430
Application No. 08/742,104

ON BRIEF

Before HAIRSTON, RUGGIERO, and BLANKENSHIP, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 11.

The disclosed invention relates to a method and system that responds to specific requests or semaphore operations from multiple operating system personalities, and transforms the specific requests or semaphore operations into generic requests or generic semaphore operations.

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Claim 5 stands rejected under 35 U.S.C. § 103 as being unpatentable over Miyahara in view of the SunSoft Guide and the Digital Equipment Manual.

Reference is made to the final rejection (paper number 6), the brief (paper number 12) and the answer (paper number 13) for the respective positions of the appellant and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse all of the rejections of record.

Appellant and the examiner both agree (final rejection, page 3; brief, page 5) that Miyahara discloses "two or more operating system personalities," and a semaphore create or a semaphore delete operation. On the other hand, appellant disagrees (brief, page 5) with the examiner's finding (final rejection, pages 3 and 4) that Miyahara discloses "means for **testing said operating system specific semaphore operation to determine a transformation (determining whether to perform[,] create or destroy operation, col. 10[,] lines 10-50,**" and "means for **transforming said operating system specific semaphore operation into a generic semaphore operation (transforming the semaphore operation into a 80960 kernel semaphore operation, col. 5 lines 33-42)** using said

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transformation in response to said means for testing." Appellant specifically argues (brief, pages 6 and 7) that Miyahara at column 5, lines 33 through 42 does not disclose "the transformation of an operating specific semaphore operation or the transformation of 'the semaphore operation into a 80960 kernel semaphore operation," and that:

The determination described at column 10, lines 10-50 of *Miyahara* is a determination of whether or not authorization is present to create or destroy and thus whether to perform a create or destroy operation. Applicant urges the Board to consider that such a determination cannot be said to comprise a "transformation" under any definition of that term and in particular it cannot be said to anticipate a "transformation" as that word is utilized within the present specification. The "transformation" set forth within the present specification is a conversion of an operating system specific semaphore operation into a generic semaphore operation and no stretch of the imagination can be said to suggest such a transformation is suggested by a simple determining as to whether or not authority exists to perform a create or destroy semaphore as set forth within *Miyahara*.

We agree with appellant's arguments. The Miyahara operations of creating a semaphore object and destroying a semaphore object are not equivalent to "transforming" a semaphore or a request as set forth in the claims on appeal. In fact, Miyahara does not disclose any type of transformation of a

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semaphore, especially a transformation of a "**semaphore operation into a 80960 kernel semaphore operation.**" Accordingly, the 35 U.S.C. §§ 102(a) and (e) rejections of claims 1 through 3, 6 and 9 are reversed.

The 35 U.S.C. § 103 rejection of claims 4, 5, 7, 8, 10 and 11 is reversed because the semaphore teachings of the SunSoft Guide and the Digital Equipment Manual do not cure the noted shortcoming in the teachings of Miyahara.

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DECISION

The decision of the examiner rejecting claims 1 through 3, 6 and 9 under 35 U.S.C. §§ 102(a) and (e) is reversed, and the decision of the examiner rejecting claims 4, 5, 7, 8, 10 and 11 under 35 U.S.C. § 103 is reversed.

REVERSED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
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)	
)	BOARD OF PATENT
JOSEPH F. RUGGIERO)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
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)	
HOWARD B. BLANKENSHIP)	
Administrative Patent Judge)	

KWH:hh

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