

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte JAMES P. KISLANKO

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Appeal No. 2000-2220  
Application 08/962,428

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ON BRIEF

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Before JERRY SMITH, FLEMING and GROSS, Administrative Patent Judges.

JERRY SMITH, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal under 35 U.S.C. § 134 from the examiner's rejection of claims 1-4, 6-11, 13-17, 19 and 20. Claims 5, 12 and 18 have been indicated to contain allowable subject matter. An amendment after final rejection was filed on September 13, 1999 and was entered by the examiner.

The disclosed invention pertains to a computer-based system for inferring an output date expressed in a format having a four-digit calendar year from a historical input date expressed



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Rather than repeat the arguments of appellant or the examiner, we make reference to the briefs and the answer for the respective details thereof.

OPINION

We have carefully considered the subject matter on appeal, the rejection advanced by the examiner and the evidence of anticipation relied upon by the examiner as support for the rejection. We have, likewise, reviewed and taken into consideration, in reaching our decision, the appellant's arguments set forth in the briefs along with the examiner's rationale in support of the rejection and arguments in rebuttal set forth in the examiner's answer.

It is our view, after consideration of the record before us, that the evidence relied upon does not support the rejection made by the examiner. Accordingly, we reverse.

Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.); cert. dismissed, 468 U.S. 1228 (1984); W.L. Gore and

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Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

The examiner has indicated how he reads the claimed invention on the disclosure of Connor [final rejection, pages 2-5, incorporated into the examiner's answer]. With respect to each of independent claims 1, 8 and 14, appellant argues that neither the background system of Connor nor the inventive system discloses, teaches or suggests the function of the converter recited in the last four lines of representative claim 1. More particularly, appellant argues that Connor does not disclose, teach or suggest any of the steps which recite the use of a current system date in a four-digit format as claimed [brief]. The examiner responds that computers inherently have an operating system which routinely use current date information [answer, pages 3-4]. Appellant responds that the fact that there are operating systems in most data processing systems, and that these operating systems typically use the current date, is irrelevant to the patentability of the claimed invention. Specifically, appellant responds that Connor still does not disclose the steps performed by the converter of representative claim 1 [reply brief].

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We agree with the position argued by appellant. Although Connor is attempting to solve the same problem as appellant's invention, Connor solves this problem in an entirely different way from the claimed invention. As argued by appellant, even if Connor is presumed to have an operating system as claimed, there is no disclosure in Connor of using a current system date in combination with a two-digit historical date to obtain an unambiguous representation of the historical date. The system of Connor makes this determination based on a base year previously selected by the user. Thus, Connor does not use the current system date in his determination as required by the independent claims on appeal.

Since Connor does not fully meet the invention of independent claims 1, 8 and 14, the anticipation rejection of these claims cannot be sustained. Since the rejection of independent claims 1, 8 and 14 has not been sustained, we also do

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not sustain the rejection of any of the dependent claims on appeal. Accordingly, the decision of the examiner rejecting claims 1-4, 6-11, 13-17, 19 and 20 is reversed.

REVERSED

	)	
JERRY SMITH	)	
Administrative Patent Judge	)	
	)	
	)	
	)	BOARD OF PATENT
MICHAEL R. FLEMING	)	
Administrative Patent Judge	)	APPEALS AND
	)	
	)	INTERFERENCES
	)	
ANITA PELLMAN GROSS	)	
Administrative Patent Judge	)	

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