

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 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 PATRICE EUDELIN, FRANCK GANSMANDEL, and PATRICE TOILLON

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Appeal No. 2002-1257  
Application No. 08/913,523

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HEARD: FEBRUARY 3, 2004

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

RUGGIERO, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal from the final rejection of claims 11-13, 15, 18, and 19. Claims 1-10 have been canceled, and claims 14, 16, 17, and 20 have been indicated to be allowable by the Examiner subject to being rewritten in independent form.

The claimed invention relates to a time-multiplexed bus management process in which facilities (rigs) that are linked by the bus are assigned instants of time in which information can be transmitted. If any of the rigs has no new information or has

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inconsistent information to be transmitted at the respective assigned time instant, then substituted information is transmitted by the respective rig along with a characteristic identification configured to indicate the presence of substituted information. According to Appellants (specification, page 1) this bus management process overcomes the drawbacks in conventional systems in which outdated or inconsistent information is needlessly transmitted resulting in the overburdening of the destination receivers.

Claim 11 is illustrative of the invention and reads as follows:

11. A process for temporally managing a multiplexed bus to which a plurality of rigs are linked, comprising the steps of:

time-multiplexing the bus so that each of the plurality of rigs is assigned a respective send instant to send information on the bus;

controlling said plurality of rigs so that if any of said plurality of rigs has no new information or inconsistent information to be sent on the bus, said any of said plurality of rigs sends substituted information with a characteristic identification, the characteristic information being separate from the substituted information and configured to indicate a presence of the substituted information, at the send instant respectively assigned thereto.

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The Examiner relies on the following prior art:

Holland	3,636,524	Jan. 18, 1972
Applegate et al. (Applegate)	5,424,949	Jun. 13, 1995
Baker et al. (Baker)	5,864,687	Jan. 26, 1999
	(effectively filed Jul. 30, 1993)	

Claim 11 stands finally rejected under 35 U.S.C. § 102(b) as being anticipated by Holland. Claims 12, 13, 15, 18, and 19 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Holland in view of Baker and Applegate.

Rather than reiterate the arguments of Appellants and the Examiner, reference is made to the Briefs and Answer for the respective details.<sup>1</sup>

#### OPINION

We have carefully considered the subject matter on appeal, the rejections advanced by the Examiner, and the evidence of anticipation and obviousness relied upon by the Examiner as support for the rejections. We have, likewise, reviewed and taken into consideration, in reaching our decision, Appellants' arguments set forth in the Briefs along with the Examiner's rationale in support of the rejections and arguments in rebuttal set forth in the Examiner's Answer.

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<sup>1</sup> We make the observation that the language "characteristic information" at lines 7 and 8 of claim 11 should apparently be --characteristic identification-- for proper antecedent reference.

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It is our view, after consideration of the record before us, that the Holland reference does not fully meet the invention as set forth in claim 11. With respect to the Examiner's obviousness rejection, we are also of the view that the evidence relied upon and the level of skill in the particular art would not have suggested to one of ordinary skill in the art the obviousness of the invention as recited in claims 12, 13, 15, 18, and 19. Accordingly, we reverse.

We consider first the rejection of claim 11 under 35 U.S.C. § 102(b) as being anticipated by Holland. 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 Sys., Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.), cert. dismissed, 468 U.S. 1228 (1984); W.L. Gore & Assocs. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

With respect to independent claim 11, the Examiner attempts to read the various limitations on the disclosure of Holland. In particular, the Examiner directs attention (Answer, pages 2 and

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3) to the illustration in Figure 1 of Holland along with the accompanying description beginning at column 1, line 43.

Appellants' arguments in response assert a failure of Holland to disclose every limitation in independent claim 11 as is required to support a rejection based on anticipation. At pages 5-7 of the Brief and pages 2 and 3 of the Reply Brief, Appellants' arguments focus on the contention that, contrary to the Examiner's interpretation of the disclosure of Holland, there is no disclosure that each of Holland's stations (rigs) is assigned a send instant for bus transmission, or that substituted information is sent by a station during its assigned time instant, as set forth in appealed claim 11.

After reviewing the Holland reference in light of the arguments of record, we are in general agreement with Appellants' position as expressed in the Briefs. Our interpretation of the disclosure of Holland coincides with that of Appellants, i.e., the open time interval during which control signals, which the Examiner has likened to the claimed "substitute information," are transmitted does not correspond to the feature of a time instant assigned to a particular station or rig as claimed. As asserted by Appellants, Holland's open time interval arises as a result of the differing repetition rates for sampling and information

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transfer, not as a result of the time interval being assigned to a specific station.

Although the Examiner's remarks in the "**Response to Argument**" portion at page 3 of the Answer suggest that in a multiplex transmission system as described in Holland, a station would inherently be assigned a transmission time slot, we find no basis in the disclosure of Holland that would support such a conclusion, let alone how such an interpretation would satisfy the particular requirements set forth in claim 11. To the contrary, our review of the disclosure of Holland reveals that each of the transmission time frames, defined by the transfer repetition rate  $R_2$ , is not assigned to a specific channel but, rather, contains "information from each of the communication channels" (Holland, column 17, lines 30-31). Similarly, the open time interval in Holland, rather than being assigned to a specific channel, appears periodically as a result of the differing repetition rates for sampling and data transfer (Holland, column 17, lines 31-35, column 18, lines 38-55, and Figure 11.

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In view of the above discussion, since all of the claim limitations are not present in the disclosure of Holland, we do not sustain the Examiner's 35 U.S.C. § 102(b) rejection of independent claim 11.

Turning to a consideration of the Examiner's 35 U.S.C. § 103(a) rejection of dependent claims 12, 13, 15, 18, and 19 based on the combination of Holland with the Baker and Applegate references, we do not sustain this rejection as well. For all of the reasons discussed supra, the Examiner has failed to establish a prima facie case of obviousness since we find no teaching or suggestion in either of the applied secondary references that would overcome the innate deficiencies of Holland.

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In summary, we have not sustained either of the Examiner's 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a) rejections of the claims on appeal. Therefore, the decision of the Examiner rejecting claims 11-13, 15, 18, and 19 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	)	

JFR/hh

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