

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 14

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KENNETH MARK WILSON

Appeal No. 2002-1833
Application 09/246,490

ON BRIEF

Before THOMAS, HAIRSTON, and LEVY, Administrative Patent Judges.
HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 20.

The disclosed invention relates to a computer architecture in which a sub-page support structure is operatively associated with a processor and a plurality of memories.

OPINION

We have carefully considered the entire record before us, and we will reverse the anticipation rejection of claims 1 through 18, and sustain the anticipation rejection of claims 19 and 20.

Appellant argues (brief, page 3) that Frank does not disclose the limitation of

said sub-page support structure including a mechanism responsive to said processor access to said second memory for a predetermined portion of a sub-page to determine if said processor access to said second memory can be satisfied by a processor access to said first memory for said predetermined portions of said sub-page migrated or replicated thereto from said second memory

set forth in claims 1, 8 and 19.

With respect to claims 1 through 18, we agree with appellant's argument. Frank discloses that a processor request is handled locally before the request is passed via the memory management unit to another processing cell (Figures 2A and 4; column 3, line 64 through column 4, line 8; column 7, line 62 through column 8, line 7). It follows that Frank cannot make a determination whether a processor access to a second/remote memory for a predetermined portion of a sub-page can be satisfied by a processor access to a first/local memory. Thus, the

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anticipation rejection of claims 1 through 18 is reversed because Frank does not disclose every limitation found in these claims. Glaxo Inc. v. Novopharm Ltd., 52 F.3d 1043, 1047, 34 USPQ2d 1565, 1567 (Fed. Cir.), cert. denied, 516 U.S. 3378 (1995).

Turning to claim 19, we find that none of appellant's arguments apply to this claim. Unlike claims 1 through 18, this claim, like Frank, satisfies processor requests locally before making a remote request. In summary, the anticipation rejection of claims 19 and 20 is sustained.

DECISION

The decision of the examiner rejecting claims 1 through 20 under 35 U.S.C. § 102(b) is affirmed as to claims 19 and 20, and is reversed as to claims 1 through 18.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED-IN-PART

JAMES D. THOMAS)	
Administrative Patent Judge)	
)	
)	
KENNETH W. HAIRSTON)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
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STUART S. LEVY)	
Administrative Patent Judge)	

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