

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 9

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL H. CONNER, NURCAN COSKUN,
SIMON C. NASH, and DAVID S. RENSHAW

Appeal No. 1999-1890
Application No. 08/566,618

ON BRIEF

Before BARRETT, LALL, and GROSS, Administrative Patent Judges.
GROSS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 through 18, which are all of the claims pending in this application.

Appellants' invention relates to a method for subclassing system object model objects in an object-oriented dynamic language. The method includes steps of creating a proxy class object in the dynamic language having a pointer to a class object in the system object model environment and creating a

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Claims 1 through 18 stand rejected under 35 U.S.C. § 103 as being unpatentable over AAPA in view of Schmitter and Ellis.

Reference is made to the Examiner's Answer (Paper No. 8, mailed October 14, 1998) for the examiner's complete reasoning in support of the rejection, and to appellants' Brief (Paper No. 7, filed July 22, 1998) for appellants' arguments thereagainst.

OPINION

We have carefully considered the claims, the applied prior art references, and the respective positions articulated by appellants and the examiner. As a consequence of our review, we will reverse the obviousness rejection of claims 1 through 18.

The examiner (Answer, page 4) combines Schmitter with AAPA, asserting that Schmitter teaches a means for searching a method for an object in an object-oriented environment. Although the rejection is unclear as to which limitations are considered lacking from AAPA, we assume that the examiner has applied Schmitter to meet the step of calling a dispatcher from the proxy class object for searching a method for said

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class object in the system object model environment. Although appellants discuss at length the applicability of Schmitter and its combination with AAPA, we have questions as to whether AAPA would meet the claimed method step without an additional reference. Specifically, appellants state (specification, paragraph bridging pages 2 and 3) that the dynamic language calls "unknown" methods when the object receives a message that is not recognized by the dynamic language, and these "unknown" methods enable redirection of messages to the SOM objects. The calling of such methods for a class object seems to correspond to calling a dispatcher for searching methods for the class object.

Nonetheless, we need not resolve the above questions, as we find the step of creating a subclass lacking from the combination of AAPA, Schmitter, and Ellis. The examiner admits (Answer, pages 4-5) that the combination of AAPA and Schmitter fails to teach the claimed step of "creating a subclass in said dynamic language having the unique name of said class object in said system object model environment." The examiner relies upon Ellis for this missing limitation, which appears in independent claims 1 and 13. We, thus, focus

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our attention on Ellis and the combination thereof with AAPA and Schmitter.

Ellis discloses that a class may be derived from another class, termed a base class. The derived class may be called a subclass. Ellis says nothing about why one would create a subclass in a dynamic language having the unique name of a class object in a system object model environment. Neither AAPA nor Schmitter provides a reason for creating such a subclass. The examiner merely states "it would be [sic, would have been] obvious . . . to use the system of the Background as modified by Schmitter to [sic, with] the system of Ellis because it would allow the ability [to] create subclasses and give names to class objects." (Answer, page 5). The claims recite more than merely creating subclasses and naming class objects. The claims require

creating a subclass in the dynamic language and naming it with the unique name of the class object in the system object model environment. The examiner fails to provide any rationale for creating a subclass in the dynamic language and linking the subclass to the system object model environment by naming the

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subclass with the name of a class object in the system object model environment. Thus, the examiner has failed to establish a *prima facie* case of obviousness.

Accordingly, we cannot sustain the rejection of claims 1 and 13 nor of their dependents, claims 2 through 6 and 14 through 18. Furthermore, independent claim 7 recites a means for accomplishing the method step of claims 1 and 13 that we have found lacking from the combination of AAPA, Schmitter, and Ellis. For essentially the same reasons discussed above, we find the means for performing the step of creating a subclass in the dynamic language and naming it with the unique name of the class object in the system object model environment lacking from the combination of references. Therefore, we cannot sustain the rejection of claim 7 nor of its dependents, claims 8 through 12.

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CONCLUSION

The decision of the examiner rejecting claims 1 through
18 under 35 U.S.C. § 103 is reversed.

REVERSED

LEE E. BARRETT)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
PARSHOTAM S. LALL)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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ANITA PELLMAN GROSS)	
Administrative Patent Judge)	

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