

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

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RIEKO YAMAMOTO and HIROYUKI YOSHIDA

Appeal No. 1999-2251
Application No. 08/546,897

ON BRIEF

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

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 8. In an Amendment After Final (paper number 9), claims 1 through 3 were canceled, claims 4, 10 and 16 were amended, and claim 23 was added to the application. According to the examiner (paper number 10), claims 4 through 8 and 23 are still before us on appeal, and claims 10 through 17 and 19 through 22 are allowed.

Appeal No. 1999-2251
Application No. 08/546,897

The disclosed invention relates to an information sending unit and to an information receiving unit in an information processing system. In the sending unit, state information is added to an extracted information item that is to be sent, and in the receiving unit, a receiving means receives the information item to be sent and information required for transmission to another information processing system.

Claim 4 is illustrative of the claimed invention, and it reads as follows:

4. An information sending unit comprising:

extracting means for extracting an information item to which state information has been added by a sending information specifying unit from information items processed in a first information processing system which is a closed system operating asynchronously¹ with respect to a second information processing system, the state information indicating that the information item is to be sent; and

sending means for sending the information item extracted by said extracting means to a predetermined communication system.

The reference relied on by the examiner is:

Giokas et al. (Giokas)	5,313,581	May 17,
		1994

¹ It appears that appellants' disclosure lacks written description support for a system operating "asynchronously" with respect to another system.

Appeal No. 1999-2251
Application No. 08/546,897

Claims 4 through 8 and 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Giokas.

Reference is made to the final rejection (paper number 7), the answer (paper number 14), and the brief (paper number 13) for the respective positions of the examiner and the appellants.

OPINION

We have carefully considered the entire record before us, and we will sustain the 35 U.S.C. § 102(b) rejection of claims 4 through 8 and 23.

The examiner indicates (answer, pages 3 and 4) that Giokas discloses an information sending unit that comprises "1) extracting means (a function of CCLIENT 340) for extracting an information item to which state information indicating the information item is to be sent has been added by a sending information specifying unit (X client), from information items processed in a first information processing system (X)," and "2) sending means (a function of CCLIENT) for sending the information extracted to a predetermined communication system (interclient communication facility of the PM server, which is the PM CLIPBOARD) at column 6 lines 18-21, also at column 7

Appeal No. 1999-2251
Application No. 08/546,897

lines 38-39." The examiner explains (answer, pages 3 and 4) that:

The X client acts as sending information specifying unit by selecting information (from information processed in the X system) to be sent to the PM system, by controlling what data is placed in X CLIPBOARD (see column 4 lines 39-42, column 5 lines 52-57, column 6 lines 15-19). The X client stores "the data associated with the selection of an item of data, called a 'property'" (column 7 lines 2-6), and a selection is a "token-like mechanism" (column 4 lines 35-36).

In response to appellants' argument (brief, page 7) that "CCLIENT 340 does not extract a data item having state information, to be sent to the PM server, from among data items processed in the X server, in contrast to the function of the extracting means recited in claim 4 of the present invention," the examiner responds (answer, pages 3 and 4) that:

A token is well known in the art to be a data structure that contains state information, as well as information to be sent (as, for example, a structure containing a header and message body). Therefore, Giokas teaches that the X client adds state information ("the data associated") which indicates that the information ("item of data") is to be sent to the PM system, to the information selected.

In light of the examiner's explanation, and the technical dictionary definitions noted by the examiner (answer, pages 6

Appeal No. 1999-2251
Application No. 08/546,897

and 7) that support his contentions, we agree with the examiner that the "token-like mechanisms called 'selections'" disclosed by Giokas (column 4, lines 35 through 37) function as "state information" as claimed by appellants.

The appellants' arguments (brief, pages 5 and 7) to the contrary notwithstanding, we likewise agree with the examiner's assessment (answer, page 4) that:

The systems (X and PM) of Giokas are independent, closed systems (in accordance with the applicant's definition of "closed" on page 1 lines 30-33 and page 3 lines 1-3 of the present specification), as described in Giokas at column 1 lines 45-49, column 2 line 67 to column 3 line 3, and column 4 lines 29-31. The systems operate asynchronously with respect to one another, since each independent, closed system may operate without communication or connection with the other (CCLIENT is not required for either independent system's operation), and each independent system's server is clearly controlled with an independent clock.

Since Giokas' disclosure specifically describes a client/server architecture (column 1, lines 32 through 34; column 2, line 66 through column 3, line 3), and shows the same in Figure 3, for example, appellants' argument (brief, page 7) that Giokas does not disclose a client/server architecture for the PM server as recited in claims 5 and 8 is without merit.

Appeal No. 1999-2251
Application No. 08/546,897

Based upon the foregoing, the 35 U.S.C. § 102(b) rejection of claims 4 through 8 and 23 is sustained.

DECISION

The decision of the examiner rejecting claims 4 through 8 and 23 under 35 U.S.C. § 102(b) is affirmed.

Appeal No. 1999-2251
Application No. 08/546,897

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

AFFIRMED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
ERROL A. KRASS)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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HOWARD B. BLANKENSHIP)	
Administrative Patent Judge)	

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Appeal No. 1999-2251
Application No. 08/546,897

Appeal No. 1999-2251
Application No. 08/546,897

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JUDGE HAIRSTON

APPEAL NO. 1999-2251

APPLICATION NO. 08/546,897

APJ HAIRSTON

APJ KRASS

APJ BLANKENSHIP

DECISION: **AFFIRMED**

PREPARED: Jun 27, 2002

OB/HD

PALM

ACTS 2

DISK (FOIA)

REPORT

BOOK