

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 PIERRE SEMAL

Appeal No. 2000-0550
Application 08/706,114

ON BRIEF

Before KRASS, FLEMING, and LALL, **Administrative Patent Judges.**

FLEMING, **Administrative Patent Judge.**

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1 through 4.

The invention relates to a local area network operating in the asynchronous transfer mode (ATM) for transmitting cells. Appellant's Specification, page 2, lines 21-22. As shown in Figure 6, the local area network has at least two ring systems with one or two rings. Specification, page 2, lines 33-34. Each ring system has a network interface. Appellant's Specification,

page 3, line 1. The two network interfaces are coupled via at least one bridge connection. Appellant's Specification, page 3, lines 1-2. The ring systems also contain second network interfaces which are then coupled via at least a second bridge connection. Appellant's Specification, page 3, lines 2-4.

Independent Claims 1 and 4 present in the application are reproduced as follows:

1. A local area network operating in the asynchronous transfer mode (ATM) for transmitting cells, comprising a plurality of network interfaces, characterized in that at least two ring systems comprising each two network interfaces (85, 89; 86, 90) are provided which ring systems comprise each at least one bridge connection (83, 84; 87, 88) and in that a first network interface (85) of a first ring system and a first network interface (86) of a second ring system are coupled via at least a first bridge connection (83, 84) for transmitting the cell stream between the two ring systems, and a second network interface (89) of the first ring system and a second network interface (90) of the second ring system are coupled via at least a second bridge connection (87, 88) for conveying the cell stream between the two ring systems.

4. A method of transmitting cells in a local area network operating in the asynchronous transfer mode (ATM), which network comprises a plurality of network interfaces, characterized in that

cells are transmitted between a first network interface (85) of a first ring system and a first network interface (86) of a second ring system via at least a first bridge connection (83, 84), and

between a second network interfaces (89) of the first ring system and a second network interface (90) of the second ring system via at least a second bridge connection (87, 88).

Appeal No. 2000-0550
Application 08/706,114

References

The reference relied on by the Examiner is as follows:

Basso et al. (Basso) 5,444,692 Aug. 22, 1995

Rejections at Issue

Claims 1 through 4 stand rejected under 35 U.S.C. § 102.

Rather than repeat the arguments of Appellant or the Examiner, we make reference to the brief¹ and the answer² for the details thereof.

OPINION

After a careful review of the record before us, we do not agree with the Examiner that claims 1 through 4 are anticipated by Basso.

It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim. **See In re King**, 801 F.2d 1324, 1326, 231 USPQ 136,

¹Appellant filed an appeal brief on April 13, 1999. We will refer to this appeal brief as simply the brief.

²The Examiner responded to the brief with an Examiner's answer dated June 8, 1999. We will refer to the Examiner's answer as simply the answer.

Appeal No. 2000-0550
Application 08/706,114

138 (Fed. Cir. 1986) and **Lindermann Mashinenfabrik GMBH v. American Hoist & Derrick Co.**, 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984).

We note that the claim scope of both independent claims 1 and 4 covers the limitation requiring four network interfaces and two bridges, which provide two separate, independent couplings between the first ring system and the second ring system. In particular, claim 1 requires:

at least two ring systems comprising each two network interfaces (85, 89; 86, 90) are provided which ring systems comprise each at least one bridge connection (83, 84; 87, 88) and in that a first network interface (85) of a first ring system and a first network interface (86) of a second ring system are coupled via at least a first bridge connection (83, 84) for transmitting the cell stream between the two ring systems, and a second network interface (89) of the first ring system and a second network interface (90) of the second ring system are coupled via at least a second bridge connection (87, 88) for conveying the cell stream between the two ring systems.

Appellant argues on page 4 of the brief that Basso does not teach the Appellant's claimed limitations as required under 35 U.S.C. § 102. In particular, Appellant argues that Basso does not teach two interface elements in one ring system each connected to a respective bridge which in turn is connected to a respective interface element in a second ring system.

The Examiner argues that "[t]his fundamental embodiment is taught in Basso et al. discussion of the prior art." See page 4, lines 1-4 of Answer. Specifically the Examiner points to language in Basso's discussion of prior art which states on col.1, lines 55-60:

A trend is to set one workstation to a single Token-Ring segment, and interconnect several single-workstation segments via multiport bridges.

We find that the Examiner has not met his burden of proving that Basso teaches two interface elements in one ring system each connected to a respective bridge which in turn is connected to a respective interface element in a second ring system. The only evidence that the Examiner has provided is pointing to broad statements in the reference referring to workstations segments connected via multiport bridges. The Examiner has not shown specific teachings in Basso regarding the specific structure being claimed by the Appellant. The Examiner, therefore, has not shown how each and every element of the claimed invention is disclosed in Basso.

Upon a careful review of Basso, we fail to find that Basso teaches the limitation requiring four network interfaces and two bridges, which provide two separate, independent couplings between the first ring system and the second ring system as

Appeal No. 2000-0550
Application 08/706,114

recited in Appellant's claims 1 and 4. Furthermore, we note that claims 2 and 3 are dependent on claim 1 and thereby recite the above limitation.

Therefore, we find that Basso fails to teach all of the limitations of claims 1 through 4, and thereby the claims are not anticipated by Basso.

In view of the foregoing, the decision of the Examiner rejecting claims 1 through 4 is reversed.

REVERSED

ERROL A. KRASS)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
MICHAEL R. FLEMING)	
Administrative Patent Judge)	APPEALS AND
)	
)	INTERFERENCES
)	
PARSHOTAM S. LALL)	
Administrative Patent Judge)	

MRF:pgg

Appeal No. 2000-0550
Application 08/706,114

Corporate Patent Counsel
U.S. Phillips Corporation
580 White Plains Road
Tarrytown, NY 10591