

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. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LEON LI-HENG WU

Appeal No. 2002-0590
Application No. 09/213,924

ON BRIEF

Before KRASS, RUGGIERO, and DIXON, **Administrative Patent Judges**.
DIXON, **Administrative Patent Judge**.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1-42, which are all of the claims pending in this application.

We REVERSE.

BACKGROUND

Appellant's invention relates to a synchronized signal transfer system. An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below.

1. A memory system comprising:

a memory controller;

a first memory device;

a first data bus for transporting data between the memory controller and the first memory device;

a first clock bus, carrying a first clock signal, for facilitating a transfer of the data from the memory controller to the first memory device; and

a second clock bus, carrying a second clock signal, facilitating a transfer of the data from the first memory device to the memory controller, wherein the first and second clock buses are separate buses, wherein the first and second clock signals are separately generated.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Gasbarro et al. (Gasbarro)
Niu et al. (Niu)

5,432,823
6,161,160

Jul. 11, 1995
Dec. 12, 2000
(Filed Sep. 3, 1998)

Claims 1-42 stand rejected under 35 U.S.C. § 103 as being unpatentable over Gasbarro in view of Niu.

Appeal No. 2002-0590
Application No. 09/213,924

Rather than reiterate the conflicting viewpoints advanced by the examiner and appellant regarding the above-noted rejections, we make reference to the examiner's final rejection (Paper No. 6, mailed Dec. 20, 2000) and the examiner's answer (Paper No. 13, mailed Dec. 18, 2001) for the examiner's reasoning in support of the rejections, and to appellant's brief (Paper No. 10, filed May 21, 2001) and reply brief (Paper No. 14, filed Feb. 7, 2002) for appellant's arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to appellant's specification and claims, to the applied prior art references, and to the respective positions articulated by appellant and the examiner. As a consequence of our review, we make the determinations which follow.

Appellant argues that Gasbarro teaches a single clock on a single bus and therefore, the teachings of Gasbarro do not teach or suggest the use of two separate clocks and two clock buses. (See brief at pages 4-5.) We agree with appellant. The examiner maintains that Niu teaches the use of two clocks in two different buses. (See final rejection at page 3.) While we agree with the examiner that Niu teaches the use of two clocks and two buses for the two different time domains, we do not find "a second clock bus, carrying a second clock signal, facilitating a transfer of the data from the first memory device to the memory controller" as recited in the claims. Here, independent

claim 1 recites that the buses facilitate transfer of data from the first memory to the memory controller and from the memory controller to the first memory. We find no teaching in Niu that the two buses are used to facilitate the transfers between the same memory and same memory controller. Appellant argues that Niu has “nothing to do with memory systems where data is transmitted between a memory controller and memory devices.” (See brief at page 5.) We agree with appellant. While Niu teaches the storage of information in a memory, we do not find that it is a “memory system” as recited in the claims. While the system of Niu is in a data processing system and has memory, we agree with appellant (brief at pages 5-6) that it would not have been obvious to one of ordinary skill in the art at the time of the invention to look to these general teachings of Niu to modify the control of the memory system of Gasbarro which is all within the same system. Therefore, we disagree with the examiner’s line of reasoning in the statement of motivation to combine the teachings (final rejection at page 4), and we cannot sustain the rejection of independent claim 1 and its dependent claims 2-17. Independent claims 18, 30, and 38 contain similar limitations not taught or fairly suggested by the combination of Gasbarro and Niu, and we cannot sustain the rejections thereof and their dependent claims.

Appeal No. 2002-0590
Application No. 09/213,924

CONCLUSION

To summarize, the decision of the examiner to reject claims 1-42 under 35 U.S.C. § 103 is reversed.

REVERSED

ERROL A. KRASS)	
Administrative Patent Judge)	
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)	
)	BOARD OF PATENT
JOSEPH F. RUGGIERO)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
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)	
JOSEPH L. DIXON)	
Administrative Patent Judge)	

JLD:clm

Appeal No. 2002-0590
Application No. 09/213,924

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