

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. 29

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte HARRY E. SHISLER and KEVIN D. REITZ

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Appeal No. 2002-0655  
Application No. 08/743,201

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ON BRIEF

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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 29.

The disclosed invention relates to a programmable batch processing engine for processing a batch application.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A programmable batch processing engine, comprising:

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a design tool subsystem operable on a first computer that creates a set of specifications in response to user input, the specifications describing user-desired processing services to be performed;

wherein the specifications identify processing properties for said processing services to define the execution of a batch application;

a processing subsystem adapted to perform processing of the batch application in response to the specifications; and

a middleware subsystem providing communication of the specifications from the design tool subsystem to the processing subsystem.

The references relied on by the examiner are:

Hinks et al. (Hinks)	5,678,039	Oct. 14, 1997
		(filed Sept. 30, 1994)

Claims 1 through 3 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hinks.

Claims 4 through 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hinks.

Reference is made to the briefs (paper numbers 19 and 22) and the answer (paper number 20) for the respective positions of the appellants and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the anticipation rejection of claims 1 through 3, and the obviousness rejection of claims 4 through 29.

The appellants' contentions to the contrary notwithstanding (brief, pages 9 through 11; reply brief, pages 4 through 8), we agree with the examiner (answer, page 4) that Hinks discloses a graphical user interface (GUI) wherein the user of the translation system (Figures 2 and 3) creates a set of specifications describing user-desired processing services (i.e., batch translation of Windows Notepad from English to another language) (column 5, line 67 through column 6, line 14; column 6, line 62 through column 7, line 4; column 8, line 13; column 10, lines 7 through 11; column 11, lines 12 through 24) by accessing and manipulating "the various resources of the program for carrying out translation" (column 8, lines 6 through 9). We additionally agree with the examiner (answer, page 4) that the resource parser 330 is a processing subsystem that operates in conjunction with other portions of the system (e.g., the editors 350 and the tools 353) to perform batch translation in response to the specifications created for performing the translation (column 7, line 65 through column 8, line 13). We do not, however, agree with the examiner's reasoning (answer, page 4) that the TSHELL 310 performs the claimed function of "providing communication of the specifications from the design tool subsystem to the processing subsystem." Although the TSHELL serves as a "front end and user interface to the translators"

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(column 7, lines 55 through 57), and controls the launching of the editors (column 11, lines 16 through 18 and 45 through 61), Hinks is silent as to use of the TSHELL to perform the noted claimed function of communicating the specifications. Thus, the anticipation rejection of claims 1 through 3 is reversed because we agree with the appellants' arguments (brief, page 10; reply brief, page 7) that the TSHELL can not perform the claimed function of a middleware subsystem.

In view of the foregoing, the obviousness rejection of dependent claims 4 through 9 is reversed.

The obviousness rejection of claims 10 through 15 is reversed because Hinks discloses a single computer system (Figures 1 and 2; column 5, lines 42 and 43), and does not disclose a server for storing the generated specifications.

The obviousness rejection of claims 16 through 29 is reversed because the single computer disclosed by Hinks is incapable of performing the functions performed by the claimed at least three computers.

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DECISION

The decision of the examiner rejecting claims 1 through 3 under 35 U.S.C. § 102(e) is reversed, and the decision of the examiner rejecting claims 4 through 29 under 35 U.S.C. § 103(a) is reversed.

REVERSED

KENNETH . 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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