

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. 32

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

**Ex parte** WILLIAM R. JONES,  
MICHAEL D. CHEANEY and ROD A. OPEL

---

Appeal No. 2003-0326  
Application No. 09/050,871

---

HEARD: July 15, 2003

---

Before FLEMING, GROSS and LEVY, **Administrative Patent Judges.**

FLEMING, **Administrative Patent Judge.**

**DECISION ON APPEAL**

This is a decision on appeal from the final rejection of claims 1-19, all of the claims present in the instant application.

### **INVENTION**

The invention is directed to a user interface that integrates disparate maintenance and testing applications and systems into a single common control interface. See page 1 of Appellants' specification.

Conventionally, in order for service personnel to perform trouble shooting, billing updates, and testing circuits, the service personnel must perform these tasks on separate systems, each of which has a different interface. Further, service personnel need to familiarize themselves with different interfaces and functional flow of different systems. See page 3 of Appellants' specification.

The object of Appellants' invention is to provide a user interface and system that integrates disparate maintenance and testing systems and applications into a single common control interface. See pages 3 and 4 of Appellants' specification. Fig. 1A shows a user interface, GRETA which provides a single, user-friendly, common interface to log in and perform testing, trouble-shooting and billing updates. GRETA provides an interface to Work Force and Administration, Operations Support Systems and REACT 2001 systems. See pages 5 and 11 through 12 of Appellants' specification.

Appeal No. 2003-0326  
Application No. 09/050,871

Independent claim 1 present in the application is reproduced as follows:

1. An apparatus for integrating a plurality of disparate systems, comprising:

a common control interface that provides a different appropriate interface for each of the plurality of disparate systems;

an inputting device for entering data required by said plurality of disparate systems into said common interface; and

a system that formats and transfers said data from said common control interface to at least one system of said plurality of disparate systems; wherein

said common control interface interoperates with the plurality of disparate system types and software applications; said common control interface monitors said systems for operational data at varying levels of functionality; and said common control interface simultaneously integrates the plurality of disparate systems and software applications.

### **References**

The references relied on by the Examiner are as follows:

|                      |           |  |
|----------------------|-----------|--|
| Kline et al. (Kline) | 4,464,543 | Aug. 07, 1984                          |
| Cowgill              | 5,835,566 | Nov. 10, 1988<br>(filed Mar. 29, 1996) |

Appeal No. 2003-0326  
Application No. 09/050,871

|           |           |   |
|-----------|-----------|---|
| Day       | 5,734,696 | Mar. 31, 1998<br>(applicably filed Feb. 20, 1996) |
| Gundersen | 5,787,147 | Jul. 28, 1998<br>(filed Dec. 21, 1995)            |

### **Rejections at Issue**

Claims 1 through 6 stand rejected under 35 U.S.C.

§ 103 as being unpatentable over Cowgill in view of Gundersen.

Claims 7 through 12 stand rejected under 35 U.S.C.

§ 103 as being unpatentable over Day in view of Gundersen.

Claims 13 and 14 stand rejected under 35 U.S.C.

§ 103 as being unpatentable over Day in view of Gundersen as applied to claim 7 and further in view of Cowgill.

Claims 15 through 19 stand rejected under 35 U.S.C.

§ 103 as being unpatentable over Cowgill in view of Gundersen and further in view of Kline.

Throughout the opinion, we will make reference to the Brief<sup>1</sup> and Answer for the respective details thereof.

### **OPINION**

With full consideration being given the subject matter on appeal, the Examiner's rejections and the arguments of Appellants

---

<sup>1</sup> Appellants filed an Appeal Brief on April 1, 2002. Appellants filed a Reply Brief on August 14, 2002. The Examiner mailed out an Office communication on September 11, 2002 stating the Reply had been entered.

Appeal No. 2003-0326  
Application No. 09/050,871

for the reasons stated **infra**, we reverse the rejection of claims 1 through 19 under 35 U.S.C. § 103.

**Rejection of Claims 1 through 6 under 35 U.S.C. § 103**

We first will address the rejection of claims 1 through 6 under 35 U.S.C. § 103 as being unpatentable over Cowgill in view of Gundersen.

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a **prima facie** case of obviousness. **In re Oetiker**, 977 F.2d 1443, 1445, 24 USPQ 1443, 1444 (Fed Cir. 1992). See also **In re Piasecki**, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed Cir. 1984). The Examiner can satisfy this burden by showing that some objective teaching in the prior art or knowledge generally available to one of ordinary skill in the art suggests the claimed subject matter. **In re Fine**, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Only if this initial burden is met does the burden of coming forward with evidence or argument shift to the Appellants. **Oetiker**, 977 F.2d at 1445, 24 USPQ at 1444. **See also Piasecki**, 745 F.2d at 1472, 223 USPQ at 788.

Appeal No. 2003-0326  
Application No. 09/050,871

An obviousness analysis commences with a review and consideration of all the pertinent evidence and arguments. "In reviewing the [E]xaminer's decision on appeal, the Board must necessarily weigh all of the evidence and arguments." **In re Oetiker**, 977 F.2d at 1445, 24 USPQ2d at 1444. [T]he Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion." **In re Lee**, 277 F.3d 1338, 1344, 61 USPQ2d, 1430, 1434 (Fed. Cir. 2002). With these principles in mind, we commence review of the pertinent evidence and arguments of Appellant and Examiner.

The Examiner argues that Cowgill teaches a common control interface that interoperates with a plurality of disparate system types. The Examiner points us to col. 9, lines 25 through 59 of Cowgill. See page 2 of the Examiner's Answer.

Appellants argue that independent Claim 1 recites

a common control interface that provides a different appropriate interface for each of the plurality of disparate systems ... and

a system that formats and transfers said data from said common control interface to at least one system of said plurality of disparate systems; wherein...

said common control interface simultaneously integrates the plurality of disparate systems and software applications.

Appeal No. 2003-0326  
Application No. 09/050,871

Appellants argue that Cowgill and Gundersen fail to teach the above limitation. See pages 10 and 11 of the brief. Appellants argue that even if the UUT disclosed in Cowgill were considered as a plurality of different systems merely based on the use of a multitude of different signaling protocols, Cowgill specifically emphasizes at col. 9, lines 48 through 59, that a transparent generic interface is provided for testing communication network components in contrast to the "different appropriate interface" recited in Appellants' claim 1. Appellants argue that a different appropriate interface for each of the plurality of disparate systems as recited in claim 1 is specifically and intentionally not disclosed or suggested by Cowgill. See page 3 of Appellants Reply Brief.

Upon our review of Cowgill, we find that Cowgill teaches a system and method for testing telecommunication networks that employ various signaling protocols. See col. 5, lines 55 through 61 of Cowgill. Cowgill further teaches testing of components that employ in-band or out-of-band signaling. "[I]n-band" is defined as use of the same physical path for signaling user information such as voice, video and data. "[O]ut-of-band"

Appeal No. 2003-0326  
Application No. 09/050,871

signaling is defined as signaling that traverses a completely different physical path than does the user information path. See col. 6, lines 14 through 20. Cowgill teaches that system 260 includes programmable switch 280 coupled to the Units Under Test 210, 220, 230 via in-band signaling paths 213, 223, 233 and an out-band-signaling path 225. See col. 9, lines 17 through 24. Cowgill further teaches that the system is programmable and the sequence of instructions are adaptable to allow the switch 280 and the host controller 270 to adapt a particular signaling protocol of the UUTs. See col. 9, lines 37 through 44.

We agree with the Examiner that Cowgill does disclose a system and method for using different types of signals, in-band and out-of-band signals, to test and analyze a unit under test in a telecommunication system. However, we fail to find that units under test are disparate systems. Furthermore, we fail to find that Cowgill teaches a control interface providing an appropriate interface for each of the plurality of disparate systems as claimed. Therefore, we will not sustain the Examiner's rejection of claims 1 through 6 under 35 U.S.C. § 103 as being unpatentable over Cowgill in view of Gundersen.

**Rejection of Claims 7 through 12 under 35 U.S.C. § 103.**

We will now consider the rejection of Claims 7 through 12 under 35 U.S.C. § 103 as being unpatentable over Day in view of Gundersen. Appellants argue that Day fails to disclose a tester that "permits parallel asynchronous testing of all systems and software applications" as recited in Appellants' claim 7. See page 22 of Appellants' brief. Appellants argue that Day teaches synchronous testing and fails to teach asynchronous testing. Appellants further argue that Day does not teach parallel asynchronous testing. See pages 4 and 5 of Appellants reply brief.

Upon our review of Day, we find that Day fails to teach "said tester permits parallel asynchronous testing of all systems and software applications connected to said control interface" as recited in Appellants' claim 7. We note that the Examiner points us to col. 2, lines 27 through 52 and col. 3, lines 20 through 56 of Day for the above limitation. However, in our review of these portions of Day, we find nothing in Day that supports parallel asynchronous testing for different types of systems and software applications. In fact, it appears that Day teaches synchronous

Appeal No. 2003-0326  
Application No. 09/050,871

testing and in col. 3, lines 47 through 52 that Day teaches that clocks 16, 17 and 23 are synchronized. Therefore, we will not sustain the Examiner's rejection of claim 7 as well as dependent claims 8 through 12 under 35 U.S.C. § 103 as being unpatentable over Day in view of Gundersen.

**Rejection of Claims 13 and 14 under 35 U.S.C. § 103.**

Claims 13 and 14 stand rejected under 35 U.S.C. § 103 as being unpatentable over Day in view of Gundersen as applied to claim 7 and further in view of Cowgill. We note that claims 13 and 14 recite "said tester permits parallel asynchronous testing of all systems and software applications connected to said control interface" due to their dependency upon claim 7. We further note that the Examiner relies on Day for teaching this limitation. See page 8 of the Examiner's answer. Therefore, we will not sustain the Examiner's rejection of Claims 13 and 14 for the same reasons as above.

**Rejection of Claims 15 through 19 under 35 U.S.C. § 103.**

Claims 15 through 19 stand rejected under 35 U.S.C. § 103 as unpatentable over Cowgill in view of Gundersen and further in view of Kline. Appellants argue that the Examiner has failed to show that the applied references teach "menu bar, which contains

Appeal No. 2003-0326  
Application No. 09/050,871

a **plurality of menus** required by a user to . . . handle routine setup parameters for **different types of systems** and software application" (emphasis added). See pages 30 and 31 of Appellants' brief. The Examiner argues that Cowgill clearly recites a test creation environment including a graphic user interface that enables users to create test cases that are stored into the system for testing a UUT. The Examiner points to col. 12, line 12 to col. 13, line 27 of Cowgill.

Upon our review of Cowgill, we find that Cowgill teaches in col. 12, lines 22 through 28, a main interface driver which is provided to serve as an interface between the host controller and a MMI server. Furthermore, Cowgill specifies at col. 12, lines 32 and 33, that the MMI refers to a generic interface to a UUT. We agree with Appellants that Cowgill specifically discloses a generic interface rather than a menu bar which contains a plurality of menus required by the user to log on a system, log off a system and handle routine setup parameters for different types of software and software applications as recited in Appellants' claim 15. Therefore, we will not sustain the Examiner's rejection of claims 15 through 19 under 35 U.S.C. § 103.

Appeal No. 2003-0326  
Application No. 09/050,871

In view of the foregoing, we have not sustained the  
Examiner's rejection of claims 1 through 19 under 35 U.S.C.  
§ 103.

**REVERSED**

|                             |   |                 |
|-----------------------------|---|-----------------|
| MICHAEL R. FLEMING          | ) |                 |
| Administrative Patent Judge | ) |                 |
|                             | ) |                 |
|                             | ) |                 |
|                             | ) |                 |
|                             | ) | BOARD OF PATENT |
| ANITA PELLMAN GROSS         | ) | APPEALS         |
| Administrative Patent Judge | ) | AND             |
|                             | ) | INTERFERENCES   |
|                             | ) |                 |
|                             | ) |                 |
|                             | ) |                 |
| STUART S. LEVY              | ) |                 |
| Administrative Patent Judge | ) |                 |

mrf/vsh

Appeal No. 2003-0326  
Application No. 09/050,871

GREENBLUM & BERNSTEIN  
1941 ROLAND CLARKE PLACE  
RESTON, VA 20191