

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

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte LUCIAN HIRSCH

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Appeal No. 2003-0415  
Application No. 08/765,258

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HEARD: NOVEMBER 18, 2003

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Before HAIRSTON, BARRETT, and GROSS, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 18.

The disclosed invention relates to a method of establishing a voice link from a personal computer to a telephone terminal via a facsimile terminal.

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

1. A method of controlling a communication between a personal computer and a facsimile terminal, the facsimile terminal connected to the personal computer via an interface and having an integrated communication device and a connected telephone terminal, comprising the steps of:

operating, using a main memory of the personal computer, a link to the facsimile terminal;

entering commands into the personal computer for the telephone terminal;

converting the commands, at a user control unit which is assigned to the personal computer, into first control commands for the facsimile terminal, into special control commands; and

establishing an outgoing voice link of the connected telephone terminal using the special control commands.

The references relied on by the examiner are:

Wong et al. (Wong)	5,631,745	May 20, 1997 (filed Nov. 7, 1994)
Saulsbury	5,801,757	Sep. 1, 1998 (filed May 16, 1994)

Claims 1 through 8 and 10 through 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Saulsbury.

Claims 9 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Saulsbury in view of Wong.

Reference is made to the brief (paper number 22) and the answer (paper number 23) for the respective positions of the

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appellant and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the obviousness rejection of claims 1 through 18.

Saulsbury discloses a circuit Board (Figure 1) that is connected to a host computer via host interface 5. A telephone is connected to the Board via switches, handset and line interface circuit 6, and Saulsbury discloses (column 12, lines 1 through 7) that the computer can initiate a call to the telephone by use of a certain key combination on the keyboard of the computer. A facsimile machine may be connected to the Board via modem 4 (column 9, lines 13 through 18; column 10, lines 48 through 51; column 11, lines 37 through 40).

Appellant argues (brief, page 10) that:

Claim 1 requires more than mere connectedness of the computer-fax-telephone--it requires operating these devices connected together in a specific manner. When the device of Saulsbury is operating by communicating using the facsimile protocol, it is not operating to provide control commands to establish an outgoing voice link of the connected telephone terminal--rather it is simply acting to communicate information to a remote facsimile machine. This functional difference is significant for the claim.

We agree with appellant's arguments. As indicated supra,

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the telephone is not connected to the facsimile machine in Saulsbury, and it can be placed in direct communication with the computer. Saulsbury is silent as to a telephone connected to the facsimile machine. Thus, the obviousness rejection of claims 1 through 8 and 10 through 17 is reversed because Saulsbury neither teaches nor would have suggested to one of ordinary skill in the art the establishment of a voice link from the computer to the telephone via the facsimile machine. The obviousness rejection of claims 9 and 18 is reversed because the teachings of Wong do not cure the noted shortcoming in the teachings of Saulsbury.

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DECISION

The decision of the examiner rejecting claims 1 through  
18 under 35 U.S.C. § 103(a) is reversed.

REVERSED

KENNETH W. HAIRSTON	)	
Administrative Patent Judge	)	
	)	
	)	
	)	BOARD OF PATENT
LEE E. BARRETT	)	APPEALS AND
Administrative Patent Judge	)	INTERFERENCES
	)	
	)	
	)	
ANITA PELLMAN GROSS	)	
Administrative Patent Judge	)	

KWH/hh

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