

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 30

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAMES S. BLOMGREN, TERENCE M. POTTER, STEPHEN C. HORNE,
MICHAEL R. SENINGEN, and ANTHONY M. PETRO

Appeal No. 2003-1218
Application No. 09/019,278

ON BRIEF

Before GROSS, BARRY, and BLANKENSHIP, Administrative Patent Judges.
BLANKENSHIP, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 1-16, which are all the claims in the application.

We reverse.

BACKGROUND

The invention relates to a family of logic for implementation in semiconductor devices. According to appellants, implementation of the logic provides advantages over traditional CMOS logic circuitry. Representative Claim 1 is reproduced below.

1. A 1 of N signal used to convey multiple values of information between N-NARY logic circuits in an integrated circuit, comprising:

a bundle of N wires routed together between different N-NARY logic circuits in the integrated circuit wherein at most one wire of said bundle of N wires is active during an evaluation cycle and where N is greater than 2; and

a 1 of N encoding that encodes said bundle of N wires to indicate multiple values of information conveyed by said bundle of N wires wherein at most one wire of said bundle of N wires is true during said evaluation cycle.

The examiner relies on the following reference:

Remedi	4,176,287	Nov. 27, 1979
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Claims 1-16 stand rejected under 35 U.S.C. § 102 as being anticipated by Remedi.

We refer to the Final Rejection (Paper No. 23) and the Examiner's Answer (Paper No. 26) for a statement of the examiner's position and to the Brief (Paper No. 25) and the Reply Brief (Paper No. 27) for appellants' position with respect to the claims which stand rejected.

OPINION

Remedi describes CMOS decoders, such as a 1 of 16 decoder depicted in Figure 1. The decoder of Figure 1 contains digital inputs A0 through A3, and 16 output lines, 0 to 15. Col. 2, ll. 15-26.

The rejection reads the claimed “bundle of N wires” on outputs 0 through 15, and the “1 of N encoding” on element 20, which is the entire CMOS decoder of Remedi’s Figure 1. (Answer at 3-4.) However, the reference circuit is a 1 of 16 decoder. Remedi does not describe any form of 1 of 16 “encoding.”

In any event, the rejection also asserts that “at most one wire of the 1 of N encoded the bundle of N wires [sic] is true during the evaluation.” (Answer at 4.) Remedi describes one of sixteen possible outputs that are selected depending on the states of inputs A0 through A3 (e.g., col. 4, ll. 21-31). One of the sixteen outputs may fairly be regarded as “true” upon completion of the decoding of the inputs. However, Remedi does not appear to discuss an “evaluation cycle,” much less “at most one wire” being true during the evaluation cycle, as claimed. Further, we disagree with the implied premise, at page 5 of the Answer, that the claims require no more than “a bundle of wires carrying a known signal format ‘1 of N signal.’”

“Anticipation is established only when a single prior art reference discloses, expressly or under principles of inherency, each and every element of a claimed invention.” RCA Corp. v. Applied Digital Data Sys., Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). Since Remedi does not expressly describe subject

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matter within the ambit of the instant claims, the rejection for anticipation can stand only if Remedi inherently describes features within the scope of the claims. However, our reviewing court has set out particular requirements for showing inherency.

To establish inherency, the extrinsic evidence “must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.” “Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.”

In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999)
(citations omitted).

Since Remedi has not been shown to meet all requirements of any of the respective independent claims, we cannot sustain the rejection of any of claims 1 through 16.

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CONCLUSION

The rejection of claims 1-16 under 35 U.S.C. § 102 as being anticipated by
Remedi is reversed.

REVERSED

ANITA PELLMAN GROSS)	
Administrative Patent Judge)	
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LANCE LEONARD BARRY)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS
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HOWARD B. BLANKENSHIP)	
Administrative Patent Judge)	

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