The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ANTHONY HAYDEN LINDSEY

Appeal No. 2003-1236
Application No. 09/093,657

ON BRIEF

Before KRASS, BLANKENSHIP and SAADAT, Administrative Patent Judges.
SAADAT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the Examiner's final rejection of claims 1-6, 9 and 11-15. Claims 2, 7, 8 and 10 have been cancelled.

We reverse.

BACKGROUND

Appellant's invention is directed to a system for converting a fourth generation language specification into target language source code by converting the language specification into an object oriented model of the fourth generation language

specification. The model is mapped to code templates comprising fragments of codes and is parsed to produce the source code in a desired target language.

Representative independent claim 1 is reproduced as follows:

1. In a computing environment, a system for converting a fourth generation language specification into target language source code, comprising:

means for converting the fourth generation language specification into an object oriented model of the fourth generation language specification;

code templates comprising fragments of code;

means for mapping the object oriented model to the code templates; and

means for parsing the mapped code templates to produce source code in a desired target language.

The prior art reference of record relied upon by the Examiner in rejecting the appealed claims is:

Garloff et al. (Garloff) 5,699,310 Dec. 16, 1997

Claims 1-6, 9 and 11-15 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Garloff.

We make reference to the answer (Paper No. 16, mailed June 4, 2002) for the Examiner's complete reasoning, and to the appeal brief (Paper No. 15, filed March 19, 2002) for Appellant's arguments thereagainst.

OPINION

Appellant argues that Garloff's "program specification," as described in Col. 2, lines 49-63, is not written in a fourth generation language and is instead, written in an object-oriented language (brief, page 4). Appellant further points to "macro expansion" and "template" as separate disclosed prior art techniques and argues that they cannot be part of or be combined with the invention disclosed in Garloff (brief, page 6). Appellant further contends that the cited sections related to Figures 1A, 1B and 1C provide no teaching related to mapping an object oriented model to code templates and specifically teach (col. 5, lines 34-46) against using the more traditional "template means of code generation" (id.).

In response to Appellant's arguments, the Examiner asserts that the claims do not require converting the fourth generation language, but only a fourth generation language specification which is taught by Garloff (col. 4, lines 44-50) as converting "the developers' specification" (answer, page 7). The Examiner further equates the element "Fully Inherited View of Objects," in Figure 1 of Garloff, with the claimed object-oriented model of the specification since the "specifications" of Garloff "has means of 4GL specification based on the dictionary's definition

as shown above"[1] (answer, page 8). Additionally, the Examiner asserts that parsing and mapping are common techniques used in code generation and further relies on a disclosed function in Garloff (col. 10, lines 38-50) which parses the code fragments (answer, page 9).

A rejection for anticipation under section 102 requires that the four corners of a single prior art document describe every element of the claimed invention, either expressly or inherently, such that a person of ordinary skill in the art could practice the invention without undue experimentation. See Atlas Powder Co. v. Ireco Inc., 190 F.3d 1342, 1347, 51 USPQ2d 1943, 1947 (Fed. Cir. 1999); In re Paulsen, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

After a review of Garloff, we agree with Appellant's assertion that the program specification of Garloff does not represent a fourth generation language specification. Garloff relates to a computer system using object-oriented management techniques for the automatic generation of source code (abstract). The system has three executable components: the Inheritance Engine for providing a view of individual program

[1] The examiner relies on a definition from "Que's Computer Programmer's Dictionary," Conrad Weisert, 1993, a copy of which was included in the Examiner's answer.

objects, the Operator Interface for allowing a Developer to change the objects to provide a program specification, and the Generator for generating source code for the computer system (col. 2, lines 56-63). This does not represent converting a fourth generation language and instead, describes the generation of source code as a result of changes to the program objects. Additionally, the Examiner's view of the fourth generation language and the object-oriented language based on the dictionary definition is not persuasive since the Examiner's analysis is predicated on the assumption that if the same property is present in two different things, those things are the same. Here, the two "nonprocedural" entities, a fourth generation language and an object-oriented language, are not necessarily the same.

Furthermore, although Garloff describes determining "how to reference the object and Method" instead of the more traditional Macro Expansion or Template means (col. 5, lines 35-42), defining "the functions to be performed" (col. 5, lines 48-49) and a series of statements which "are parsed into one or more expressions" (col. 10, lines 38-41), there is nothing in the reference that performs the claimed functions. In fact, it appears that the Examiner relies on Garloff since the claimed terms "specification," "template" or "parsed," which may be looked up by performing a keyword search, are present in the

reference without focusing on whether the claimed functional inter-relation is present among these elements.

As argued by Appellant, there is no evidence that the program specification of Garloff is written in a fourth generation language or its object oriented model is mapped to a code template and parsed. Thus, Garloff does not anticipate claim 1, nor claims 9, 11, and 12, which recite similar features. Accordingly, the rejection of claims 1-6, 9 and 11-15 under 35 U.S.C. § 102 over Garloff cannot be sustained.

CONCLUSION

In view of the foregoing, the decision of the Examiner rejecting claims 1-6, 9 and 11-15 under 35 U.S.C. § 102 is reversed.

REVERSED

ERROL A. KRASS Administrative Patent Judge	)	
HOWARD B. BLANKENSHIP Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
MAHSHID D. SAADAT Administrative Patent Judge	)	

MDS/ki

IBM Corporation
3039 Cornwallis Road
Dept. T81/B503, P.O. Box 12195
Research Triangle Park, NC 27709