

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 26

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte RONALD M. BIENIAS

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Appeal No. 2004-0391  
Application No. 08/724,315

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ON BRIEF

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Before THOMAS, HAIRSTON, and DIXON, Administrative Patent Judges.  
HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 2 through 5.

The disclosed invention relates to the maintenance of inventory information for components in a given store location.

Claim 2 is the only independent claim on appeal, and it reads as follows:

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2. A pricing and ordering system for custom design of interior layouts using standard off the shelf components comprising: a computer storage and retrieval device in connection with a display monitor, said computer having a means for providing visual representations of said components on said display monitor, said system including a means to maintain and update inventory information associated with each of said components, said inventory information comprising pricing of said components, the number of said components available at a given store location and the expected timeframe of when more of said components will be available at said location, a means for displaying said inventory information associated with a given component in response to commands input by the user; said computer having a means to update said inventory information regarding pricing and availability of said components.

The references relied on by the examiner are:

Cornwell	5,255,207	Oct. 19, 1993
Johnson et al. (Johnson)	6,055,516	Apr. 25, 2000
	(effective filing date Aug. 10, 1994)	

Claims 2 through 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cornwell in view of Johnson.

Reference is made to the brief (paper number 22) and the answer (paper number 24) for the respective positions of the appellant and the examiner.

#### OPINION

We have carefully considered the entire record before us, and we will reverse the obviousness rejection of claims 2 through 5.

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In a prior decision in this case (paper number 14, page 4), the Board reversed the obviousness rejection of claims 2 through 5 because "[t]he only mention of inventory in Cornwell is the use of a bill of materials 48 (Figure 3) to make purchases of materials to place in the cabinetmaker's inventory (column 12, lines 17 and 18)," because "Cornwell neither teaches nor would have suggested to the skilled artisan adding a store's inventory of products and product availability to the products list database used by the cabinetmaker," and because "the cabinetmaker's inventory has nothing to do with the inventory 'available at a given store location and the expected timeframe of when more of said components will be available at said location.'"

In the instant appeal, the examiner has added the teachings of Johnson to the custom designed cabinet teachings of Cornwell. With respect to the teachings of Cornwell, the examiner acknowledges (answer, page 3) that "Cornwell does not explicitly disclose displaying the quantity available or the expected resupply date (backorder), nor updating the prices and quantities within the inventory database." According to the examiner (answer, pages 3 and 4), Johnson discloses "a similar system for ordering components through a network in which . . . the

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inventory database is updated (col[.] 15, lines 45-46 and col[.] 18, lines 58-60) upon receiving the customer's order and that the customer is provided with information about components which are not available, but have been requisitioned (i.e., resupply information) (col[.] 17, lines 60 - col[.] 18, line 34 and col[.] 19, lines 5-11) (See also Appendix VIII, 'JIT Backorder Will Occur')." In view of the teachings of Johnson, the examiner concludes (answer, page 4) that:

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to display the quantity available and backorder data to Cornwell's customer and to update the inventory database(s) when the price and/or quantity changes. One would have been motivated to update the inventory databases in order to provide the customer with the most accurate data. One, also, would have been motivated to provide Cornwell's customer with the availability and backorder data to include expected arrival date in order to keep the customer better informed of the status of his requisition.

Appellant argues throughout the brief that the examiner has not shown any motivation for combining the teachings of Cornwell and Johnson, and that the combined reference teachings are not concerned with the time in which resupply of the inventory will take place or will be available.

Even if we assume for the sake of argument that the skilled artisan would have found it obvious to combine the teachings of

the references in order to provide the noted customer "with the most accurate data," and "to keep the customer better informed of the status of his requisition" by providing "backorder data" to the customer, we find that the statement a "JIT<sup>[1]</sup> BACKORDER WILL OCCUR" would not have necessarily conveyed to the skilled artisan the "expected arrival date" of the inventory as stated by the examiner. Stated differently, the mere fact that inventory is on backorder in Johnson does not necessarily mean that the time frame in which it will be available would be made known to the person using the system to place an order for a component. The only mention of a time frame is appellant's disclosed and claimed invention, and such a time of availability of the component is not available to the examiner in an obviousness rejection. For this reason, and for the additional reason that Johnson probably would not be concerned with a time of availability of the backordered component in view of the availability of the component at other inventory locations (Abstract; column 3, lines 23 through 28; column 5, lines 4 through 8; column 10, lines 49 through 55; column 14, lines 25 through 29), the obviousness rejection of claims 2 through 5 is reversed.

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<sup>1</sup> JIT is the acronym for Just-In-Time Inventory (column 3, lines 54 through 61; Appendix VIII).

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DECISION

The decision of the examiner rejecting claims 2 through  
5 under 35 U.S.C. § 103(a) is reversed.

REVERSED

JAMES D. THOMAS	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
	)	
KENNETH W. HAIRSTON	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
	)	
	)	
	)	
JOSEPH L. DIXON	)	
Administrative Patent Judge	)	

KWH/hh

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