

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 11

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAMES MAGRO

Appeal No. 2004-0490
Application No. 09/908,146

ON BRIEF

Before JERRY SMITH, FLEMING, and RUGGIERO, Administrative Patent Judges.

RUGGIERO, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal from the final rejection of claims 1-22, 24, and 25, which are all of the claims pending in the present application. Claim 23 has been canceled.

The disclosed invention relates to an apparatus and method for blocking the strobing of a data FIFO array after the data strobe has entered a fluctuating tristate phase. False strobes resulting from the fluctuating tristate phase of the strobe signal could potentially corrupt data in an input FIFO array

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which is coupled to a requesting device before the requested data is captured. To address the potential data corruption problem, a masking circuit is provided which allows passage of the strobe signal in response to a reset signal generated by a memory controller, but subsequently blocks the strobe signals before the strobe signal enters the tristate phase.

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

1. A data transfer subsystem configured to control passage of data through a data transfer gate in communication with a requesting device in a processor-based system, including:

data transfer logic configured to generate a data transfer command in response to a data transfer request by the requesting device;

data mask logic configured to generate an end of transfer command upon completion of the data transfer; and

a masking module coupled to a data strobe input of the data transfer gate, wherein the masking module is configured to mask a data strobe signal conveyed to the data strobe input responsive to the data mask logic generating the end of transfer command.

The Examiner relies on the following prior art:

Ooishi et al. (Ooishi) 6,067,260 May 23, 2000

Claims 1-22, 24, and 25, all of the appealed claims, stand finally rejected under 35 U.S.C. § 102(b) as being anticipated by Ooishi.

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Rather than reiterate the arguments of Appellant and the Examiner, reference is made to the Brief (Paper No. 8) and Answer (Paper No. 9) for the respective details.

OPINION

We have carefully considered the subject matter on appeal, the rejection advanced by the Examiner and the evidence of anticipation relied upon by the Examiner as support for the rejection. We have, likewise, reviewed and taken into consideration, in reaching our decision, Appellant's arguments set forth in the Brief along with the Examiner's rationale in support of the rejection and arguments in rebuttal set forth in the Examiner's Answer.

It is our view, after consideration of the record before us, that the Ooishi reference does not fully meet the invention as set forth in claims 1-22, 24, and 25. Accordingly, we reverse.

We note that anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Sys., Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.); cert. dismissed, 468 U.S. 1228 (1984); W.L. Gore &

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Assocs. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

With respect to each of the appealed independent claims 1, 7, 14, 18, 20, and 22, the Examiner attempts to read the various limitations on the disclosure of Ooishi. In particular, the Examiner points (Answer, pages 3 and 4) to the description at column 5, line 48 through column 6, line 5 of Ooishi as corresponding to the claimed data strobe masking or blocking features of each of the appealed independent claims.

After reviewing the Ooishi reference in light of the arguments of record, we are in general agreement with Appellant's position as stated in the Brief. In particular, we agree with Appellant (Brief, page 5) that Ooishi provides no disclosure of the masking of a data strobe signal in response to the generation by data masking logic of an end of transfer signal. While the Examiner asserts (Answer, page 4) that Ooishi's description of the initiation of a self refresh operation, which the Examiner asserts would block any additional data transfer, at the end of a burst cycle corresponds to the claimed masking feature, we find no support in the cited portion of Ooishi, or elsewhere in Ooishi, that would support this conclusion. The Examiner must not only make requisite findings, based on the evidence of

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record, but must also explain the reasoning by which the findings are deemed to support the asserted conclusion. See In re Lee, 277 F.3d 1338, 1343, 61 USPQ2d 1430, 1433-34 (Fed. Cir. 2002).

Our review of Ooishi reveals that indeed there is a description (column 6, line 2) of a signal SR which initiates a self-refresh operation, but we find no indication that this signal is generated after, let alone in response to, the generation of an end of transfer command as required by the appealed independent claims. While Ooishi discusses (column 5, line 66) a signal APC (automatic precharge operation) which is initiated at the end of a burst cycle, there is no disclosure of what relationship, if any, this APC signal has to the self refresh operation signal SR. In our view, Ooishi, at best, describes, as asserted by the Examiner (Answer, page 7), some activity which occurs at the end of a burst cycle, a disclosure which falls well short of the specific claimed relationship of a masking operation and an end of transfer command.

In view of the above discussion, in order for us to sustain the Examiner's rejection, we would need to resort to impermissible speculation or unfounded assumptions or rationales to supply deficiencies in the factual basis of the rejection before us. In re Warner, 379 F.2d 1011, 1017, 154 USPQ 173, 178

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(CCPA 1967), cert. denied, 389 U.S. 1057 (1968), reh'g denied, 390 U.S. 1000 (1968). Accordingly, since all of the claim limitations are not present in the disclosure of Ooishi, we do not sustain the Examiner's 35 U.S.C. § 102(b) rejection of appealed independent claims 1, 7, 14, 18, 20, and 22, nor of claims 2-6, 8-13, 15-17, 19, 21, 24, and 25 dependent thereon. Therefore, the decision of the Examiner rejecting claims 1-22, 24, and 25 is reversed.

REVERSED

JERRY SMITH)	
Administrative Patent Judge)	
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MICHAEL R. FLEMING)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
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