

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

Paper No. 9

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID YU CHANG and JOHN SHIH-YUAN WANG

Appeal No. 2004-0559
Application No. 09/276,382

ON BRIEF

Before THOMAS, BLANKENSHIP and NAPPI, **Administrative Patent Judges**.

NAPPI, **Administrative Patent Judge**.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 of the final rejection of claims 1 through 14, which constitute all the claims in the application.

Invention

The invention relates to an event notification channel for an object oriented programming system with a plurality of supplier objects and a plurality of event consumer objects. The system uses a plurality of proxy consumer objects, each associated with one of the consumer objects, whereby the proxy consumer objects may receive supplier transmitted events on behalf of the associated consumer object. Thus

there is no loss of event notification to a consumer object if the consumer object is off line for modification. See page 4 of appellants originally filed specification.

Claim 1 is representative of the invention and reproduced below:

1. In a computer controlled object oriented programming system having at least one event supplier object and a plurality of event consumer objects, an event notification channel object comprising:

means for transmitting events from said supplier object,

a plurality of filter object, each respectively associated with one of said plurality of consumer objects for passing only selected transmitted events to said one consumer object, and

a plurality of proxy consumer objects, each associated with one of said consumer objects and between said filter object and said supplier object, whereby said proxy consumer object may receive supplier transmitted events on behalf of its associated consumer object.

References

The references relied upon by the examiner are:

Appellants' Admitted Prior Art (APA)

Cohen

5,881,315

March 9, 1999

Rejections at Issue

Claims 1 through 14 stand rejected under 35 U.S.C. § 103 as being obvious over APA in view of Cohen. Throughout the opinion we make reference to the brief (filed March 13, 2003) and the answer (dated September 15, 2003) for the respective details thereof.

Opinion

We have carefully considered the subject matter on appeal, the rejections advanced by the examiner and the evidence of obviousness relied upon by the examiner as support for these rejections. We have, likewise, reviewed and taken into consideration, in reaching our decision, appellants' 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.

With full consideration being given to the subject matter on appeal, the examiner's rejection, the arguments of appellants and the examiner, and for the reasons stated *infra* we will not sustain the examiner's rejections of claims 1 through 14 under 35 U.S.C. § 103.

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a *prima facie* case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). *See also In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). The Examiner can satisfy this burden by showing that some objective teaching in the prior art or knowledge generally available to one of ordinary skill in the art suggests the claimed subject matter. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Only if this initial burden is met does the burden of coming forward with evidence or argument shift to the Appellants. *Oetiker*, 977 F.2d at 1445, 24 USPQ2d at 1444. *See also Piasecki*, 745 F.2d at 1472,

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223 USPQ at 788. An obviousness analysis commences with a review and consideration of all the pertinent evidence and arguments. “In reviewing the [E]xaminer’s decision on appeal, the Board must necessarily weigh all of the evidence and arguments.” *Oetiker*, 977 F.2d at 1445, 24 USPQ2d at 1444. “[T]he Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency’s conclusion.” *In re Lee*, 277 F.3d 1338, 1344, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002).

Appellants argue on page 6 of the brief that Cohen does not suggest the claimed proxy consumer objects, each associated with one of said consumer objects and between said filter object and said supplier object.

The examiner responds to the appellants’ argument on page 8 of the answer by stating:

With the EMS, Cohen utilizes a “recording service 20” p5 42-57¹ that serves as “a first level or ‘supplier-side’ event filter.” This first level filter object functions as the claimed proxy object. The recording service object receives events and relays them along in the management service... In considering the proxy consumer object and its operations, it is noted that Applicant uses terminology that has broad meaning in the art, and thus requires a broad interpretation of the claims in determining patentability of the disclosed invention.

¹ The examiner’s rejection refers to page and line numbers in a text only copy of the patent, page 5, lines 42 through 57 correlate to column 5, lines 13 through 17 of the published patent.

Further, on page 9 of the answer the examiner states:

The recording service 20 stands-in the path of the event transmission as an object equivalent to the claimed proxy consumer object. This recording component is a first level filter object that clearly constitutes a proxy object as recited.

We disagree with the examiner. Claim 1 includes the limitation “a plurality of proxy consumer objects, each associated with one of said consumer objects and between said filter object and said supplier object, whereby said proxy consumer object may receive supplier transmitted events on behalf of its associated consumer object.” Independent claims 5, 8 and 11 contain similar limitations. Thus, each independent claim includes the limitation that each proxy consumer object is associated with one of the consumer objects. We concur with the examiner that Cohen teaches an event service system that includes an event recording service² located between the event suppliers (items 24) and the event consumers (items 26). However, the examiner has not shown, nor do we find, that Cohen teaches or suggests an association between each of the event consumers and the plurality of elements in the event recording service. Thus, the examiner has not provided an objective teaching that suggests the claimed subject matter. Accordingly we will not sustain the examiner’s rejection of claims 1 through 14 under 35 U.S.C. § 103.

² Event recording service, item 20 is shown as a box in figure 2 and depicted in component parts, audit trails (items 34) and service log files (items 36), in figure 3. See also column 6, lines 4-7.

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In view of the forgoing, we reverse the examiner's rejection of claims 1 through 14 under 35 U.S.C. § 103.

REVERSED

JAMES D. THOMAS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
HOWARD B. BLANKENSHIP)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
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ROBERT E. NAPPI)	
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