The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 34

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOHN J. MCMILLAN
and GARY D. CHIRHART

Appeal No. 2004-0935
Application 09/189,559

HEARD: April 27, 2005

Before HAIRSTON, BARRETT, and MACDONALD, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 65.

The disclosed invention relates to a method and system for managing software conflicts in a computer system. In the method

and system, conflict information pertaining to files and shared resources is stored in a database, and then software conflicts are resolved based on the stored conflict information.

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

1. A method of managing software conflicts in a computer system, comprising the steps of:

receiving change information regarding actual changes made to files and other shared resources during installation of different applications into the computer system;

processing the change information to determine conflict information pertaining to which files and shared resources conflict with one another;

storing the conflict information in a database; and

resolving any software conflicts based on the stored conflict information.

The references relied on by the examiner are:

Stupek et al. (Stupek)	5,586,304	Dec. 17, 1996
Shipley	5,634,114	May 27, 1997
Choye et al. (Choye)	5,842,024	Nov. 24, 1998 (effective filing date Feb. 27, 1995)
Burns et al. (Burns)	6,018,747	Jan. 25, 2000 (filed Nov. 26, 1997)
Gross	6,192,375	Feb. 20, 2001 (filed July 9, 1998)

Claims 1, 5 through 8, 14 through 18, 22 through 25, 31 through 43, 45 through 52 and 58 through 65 stand rejected under

35 U.S.C. § 103(a) as being unpatentable over Stupek in view of Burns.

Claims 2 through 4, 19 through 21, 44 and 55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stupek in view of Burns and Shipley.

Claims 56 and 57 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stupek in view of Burns and Gross.

Claims 9 through 13, 26 through 30, 53 and 54 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stupek in view of Burns and Choye.

Reference is made to the brief (paper number 28) and the answer (paper number 29) for the respective positions of the appellants and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the obviousness rejections of claims 1 through 65.

Appellants argue (brief, page 5) that “even if the combination were made, the result would not read on this group of claims.”

We agree. Stupek discloses upgrading an earlier version of a computer resource with a later version of the computer resource

(Abstract; column 1, lines 59 through 62). Stupek performs several functions in connection with the upgrade (e.g., determining the availability and the necessity of the upgrade) (column 3, lines 53 through 58), but determining conflict information between the two resources is not one such function. Burns discloses a search for conflicts in the order of read and write commands in a delta file (i.e., modifications between two versions of the same file) (Figure 6; column 3, lines 16 through 21; column 8, lines 40 through 61). Burns solves the conflict by rearranging the order of the read and write commands (Figure 6; column 8, line 62 through column 9, line 8). The conflict information is not stored in Burns.

Based upon the foregoing, the obviousness rejection of claims 1, 5 through 8, 14 through 18, 22 through 25, 31 through 43, 45 through 52 and 58 through 65 is reversed because neither Stupek nor Burns teaches or would have suggested to one of ordinary skill in the art to store conflict information in a database, and then to use the stored conflict information to resolve the software conflict.

The obviousness rejections of claims 2 through 4, 9 through 13, 19 through 21, 26 through 30, 44 and 53 through 57 are reversed because the teachings of Shipley, Gross and Choye fail

to cure the noted shortcomings in the teachings of Stupek and Burns.

DECISION

The decision of the examiner rejecting claims 1 through 65 under 35 U.S.C. § 103(a) is reversed.

REVERSED

KENNETH W. HAIRSTON Administrative Patent Judge	)	
LEE E. BARRETT Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
ALLEN R. MACDONALD Administrative Patent Judge	)	

KWH/dal

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