

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BRIAN PARSONNET, LANE D. DESBOROUGH and TARIQ SAMAD

Appeal No. 2004-1980
Application No. 10/153,200¹

ON BRIEF

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

SAADAT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the Examiner's final rejection of claims 31-55. Claims 1-30 have been canceled.

We affirm.

BACKGROUND

Appellants' invention is directed generally to brokering service requests between a plurality of customers and a plurality

¹ According to Appellants, this application is a divisional of Application No. 09/474,948, filed December 30, 1999.

of vendors in an online collaborative environment. An understanding of the invention can be derived from a reading of exemplary independent claim 31 and dependent claim 32, which are reproduced as follows:

31. For use in connection with a communication network capable of providing communications between a plurality of customer networks capable of generating service requests and a plurality of vendor networks capable of fulfilling said service requests, a system for brokering service requests between a plurality of customers wherein each customer is represented by a customer network and a plurality of vendors wherein each vendor is represented by a vendor network, said system comprising:

a main controller capable of receiving a first service request from a first of said plurality of customer networks, generating a first record associated with said first service request, and storing said first record in storage device associated with said main controller;

wherein said main controller is further capable of determining a nature of a first requested service associated with said first service request, and in response to a determination of said nature of said first requested service, allowing at least one of said plurality of vendor networks to access said first record in said storage device; and

a customer transfer controller located within each of said plurality of customer networks, said customer transfer controller capable of receiving at least one inquiry from at least one vendor network through said main controller, and in response to receiving said inquiry, transferring to said at least one vendor network through said main controller at least one of: a message, a data file, a software application and a document that responds to said inquiry.

Appeal No. 2004-1980
Application No. 10/153,200

32. The system as set forth in Claim 31 further comprising:

a vendor transfer controller located within each of said plurality of vendor networks, said vendor transfer controller capable of receiving said first record stored in said first storage device, and in response to receiving said first record, transferring an inquiry to said customer transfer controller in said customer network through said main controller, wherein said inquiry comprises at least one of: a message, a data file, a software application and a document.

The Examiner relies on the following reference:

Shkedy	6,260,024	Jul. 10, 2001 (filed Dec. 2, 1998)
--------	-----------	---------------------------------------

Claims 31-55 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Shkedy.

Rather than reiterate the opposing arguments, reference is made to the briefs and answer for the respective positions of Appellants and the Examiner. Only those arguments actually made by Appellants have been considered in this decision. Arguments which Appellants could have made but chose not to make in the brief have not been considered.

OPINION

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

Appeal No. 2004-1980
Application No. 10/153,200

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). The inquiry as to whether a reference anticipates a claim must focus on what subject matter is encompassed by the claim and what subject matter is described by the reference. As set forth by the court in Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), it is only necessary for the claims to “‘read on’ something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or ‘fully met’ by it.” See also Atlas Powder Co. v. IRECO Inc., 190 F.3d at 1346, 51 USPQ2d at 1945 (Fed. Cir. 1999) (quoting Titanium Metals Corp. v. Banner, 778 F.2d 775, 781, 227 USPQ 773, 778 (Fed. Cir. 1985)).

Appellants argue that the claimed “customer transfer controller” and the “vendor transfer controller” as well as their capabilities in receiving various types of information, as recited in claims 31 and 32, are not disclosed by Shkedy (brief, pages 8 & 9; reply brief, page 7). Appellants further contend that the communications between a plurality of buyers and a plurality of sellers in the network of Shkedy are indirect and facilitated through an intermediary, i.e., central controller 200

(emphasis original) (brief, page 14; reply brief, page 7).

Appellants further allege the absence of other claimed features in Shkedy by relying on these features' corresponding descriptions in the specification (brief, pages 10 & 11).

In response, the Examiner points out that both the buyer and the seller in Shkedy (col. 12, lines 42-55) are connected to a central controller through computers that use commercial communications software as transfer controllers (answer, page 5). The Examiner further asserts that, similar to the claims, the buyer and the seller of Shkedy transfer information to one another through the central controller in response to inquiries by the buyer or the seller (answer, page 6).

After a review of the prior art, we agree with the Examiner that the claimed receiving a request and transferring a response reads on the communications between the sellers and the buyers through a central controller in Shkedy. The distinction made by Appellants between the central controller of Shkedy and the claimed main controller is inconsistent with the teachings of the reference and the recited features of claim 31. As shown in Figure 1, Shkedy explicitly discloses that a plurality of buyers and a plurality of sellers communicate transactions for goods and services through a central controller 200 (col. 4, lines 62-65).

Appeal No. 2004-1980
Application No. 10/153,200

The central controller of Shkedy includes storage devices (buyer database 255 and seller database 260) and, similar to the claimed main controller, is capable of receiving and storing purchase requests as well as transferring and storing inquiries and responses (col. 10, lines 1-20). We also observe that the detailed functional description that Appellants attempt to attribute to the claimed main controller (brief, page 10) is not actually recited in claim 31. To the extent that is claimed, the communications between the customers and the vendors and access to the records related to the requests are all through the main controller, which read on the function of the central controller in Shkedy.

We also agree with the Examiner that the buyer interface and the seller interface of Shkedy are capable of receiving inquiries and transferring responses through the central controller. As discussed above and disclosed in Figures 3 and 4, these interfaces do include processing, storage and communication elements (CPU 305/405, storage 360/460 and modem 350/450) that facilitate receiving a request, storing a record thereof and transferring a response thereto, as recited in claims 31 and 32.

Based on our findings above, we agree with the Examiner that Shkedy prima facie anticipates the claimed subject matter in the

Appeal No. 2004-1980
Application No. 10/153,200

representative independent claim 31 as well as dependent claim 32. With respect to the remaining claims, we note that Appellants have not challenged their rejection with any reasonable specificity, thereby allowing claims 33-55 to fall with claim 31 (see In re Nielson, 816 F.2d 1567, 1572, 2 USPQ2d 1525, 1528 (Fed. Cir. 1987)). Accordingly, the 35 U.S.C. § 102(e) rejection of claims 31-55 is sustained.

Appeal No. 2004-1980
Application No. 10/153,200

CONCLUSION

To summarize, the decision of the Examiner to reject claims 31-55 under 35 U.S.C. § 102 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv).

AFFIRMED

JERRY SMITH)	
Administrative Patent Judge)	
)	
)	
)	
)	BOARD OF PATENT
JOSEPH F. RUGGIERO)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
)	
MAHSHID D. SAADAT)	
Administrative Patent Judge)	

MDS/ki

Appeal No. 2004-1980
Application No. 10/153,200

Honeywell, Inc.
Attn: Legal Department
101 Columbia Road
P.O. Box 2245
Morriwtown, NJ 07962