

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte STEVEN ANTOSZ

Appeal No. 2004-2261
Application No. 09/494,690

ON BRIEF

Before FRANKFORT, NASE, and BAHR, Administrative Patent Judges.
NASE, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 2 to 6, 8 to 12 and 20, which are all of the claims pending in this application.

We REVERSE.

BACKGROUND

The appellant's invention relates generally to supply chain mapping, and more particularly to a computer-implemented system for identifying opportunities and risks in supply chains (specification, p. 1). A copy of the claims under appeal is set forth in the appendix to the appellant's brief.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Petchenkine et al. (Petchenkine)	6,380,951	April 30, 2002
Bush, Jr. (Bush)	6,486,899	Nov. 26, 2002

Claims 2 to 6, 8 to 12 and 20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Bush in view of Petchenkine.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellant regarding the above-noted rejection, we make reference to the answer (mailed March 24, 2004) for the examiner's complete reasoning in support of the rejection, and to the brief (filed January 13, 2004) and reply brief (filed May 24, 2004) for the appellant's arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellant's specification and claims, to the applied prior art references, and to the respective positions articulated by the appellant and the examiner. Upon evaluation of all the evidence before us, it is our conclusion that the evidence adduced by the examiner is insufficient to establish a prima facie case of obviousness with respect to the claims under appeal. Accordingly, we will not sustain the examiner's rejection of claims 2 to 6, 8 to 12 and 20 under 35 U.S.C. § 103. Our reasoning for this determination follows.

In rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. See In re Rijckaert, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993). A prima facie case of obviousness is established by presenting evidence that would have led one of ordinary skill in the art to combine the relevant teachings of the references to arrive at the claimed invention. See In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988) and In re Lintner, 458 F.2d 1013, 1016, 173 USPQ 560, 562 (CCPA 1972).

With this as background, we first analyze the teachings of the prior art applied by the examiner in the rejection of the claims on appeal.

Bush

Bush's invention relates generally to the field of supply chain planning and, more particularly, to a system and method for displaying logistics information associated with a supply chain. Figure 1 illustrates an exemplary system 10 for managing a supply chain. System 10 includes a computer 14 having an associated memory 16, an input device 18 (which may include a keyboard, mouse, touch-screen, microphone, or any other device that receives information from a user), and an output device 20 (which may include a computer monitor, a projector, a printer, or any other suitable device with a display screen or other visual output capability). System 10 generates a visual display 32 that provides logistics information describing the movement, location, or movement and location of items within the supply chain. System 10 may be part of a larger supply chain management system that provides one or more other supply chain solutions, such as demand planning, manufacturing planning, transportation or other distribution planning, and order promising and fulfillment.

Memory 16 contains an enterprise model 24, a planning engine 26, and a presentation interface 28. Enterprise model 24, planning engine 26, and presentation interface 28 represent software components that may each be responsible for a separate set of well-defined tasks. Enterprise model 24 represents a supply chain. Planning engine 26 generates logistics information relating to the movement, location,

or movement and location of raw materials, component parts, equipment, products, or any other items that flow from one supply chain entity to another in a supply chain. Presentation interface 28 provides a user interface for inputting data affecting model 24, for scenario analysis of model 24, and for viewing logistics information generated by engine 26. Based on the logistics information generated by planning engine 26, presentation interface 28 generates visual display 32.

Figure 2A illustrates an exemplary visual display 32 of a supply chain in temporal mode. Presentation interface 28 generates visual display 32 based on the logistics information generated by planning engine 26. Logistics information relates to the movement, location, or movement and location of raw materials, component parts, equipment, products, or any other items that may flow from one supply chain entity to another in a supply chain. Buttons 39 permit a user to select different plans generated by engine 26. In one embodiment, visual display 32 is a multi-dimensional report that provides, in a single window, information that would otherwise require separate windows. Visual display 32 includes a bottom panel 40, a left panel 42, and a right panel 44. Presentation interface 28 coordinates the display of logistics information for a supply chain among bottom panel 40, left panel 42, and right panel 44. The bottom panel 40 may display the supply chain in a temporal mode (Figure 2B), a geographical mode (Figure 3), or a logical mode (Figure 4).

Figure 2B illustrates an exemplary bottom panel 40 displaying a physical representation 46 of a supply chain. Icons 48 represent suppliers, factories, distribution centers, warehouses, retail stores, or any other entities affecting the movement of raw materials, component parts, equipment, products, or any other items in the supply chain. Links 56 couple together two or more icons 48 to represent distribution resources in the supply chain. The distribution resources may include transportation resources, shipping resources, or any other resources that affect the movement of raw materials, component parts, equipment, products, or any other items between entities in the supply chain. In a particular embodiment, arrows or other directional indicators 58 specify the direction of movement of items between supply chain entities.

Petchenkine

Petchenkine's invention relates to a method of configuring a prepress workflow using a graphical user interface. The method comprises the steps of loading a prepress memory manager on a work station computer platform as a result of a user input such that a graphical user interface is displayed on a computer screen and includes a prepress system design palette and a modules toolbar having module icons representing different prepress hardware and/or software distributed object modules that can potentially be used in a prepress workflow operation. The module icons are dragged from the modules toolbar into the system design palette and represent the

desired prepress hardware and/or software distributed object modules to be used in a prepress workflow. The module icons are linked based on user input in the order which represents how the prepress workflow proceeds along the selected hardware and/or software distributed object modules represented by the module icons.

Figure 1 illustrates a graphical user interface 100 showing the system design palette 104, a system toolbar 118 and a modules toolbar 106 with various icons in the modules toolbar corresponding to prepress hardware and/or software distributed object modules. Figure 7 is another view of the graphical user interface showing a workflow that has been established on the system design palette. Petchenkine teaches (column 8, lines 14-23) that after the program icon is clicked to begin the program, system design palette 104 is opened as a window as part of a graphical user interface 100. Proper use of the system design palette 104 enables an operator to completely configure the prepress system workflow and configure each individual piece of hardware being used. The drag and drop functionality of the system makes this a very simple operation that can be quickly accomplished.

Petchenkine further teaches (column 9, lines 25-41) that:

The Configuration menu allows for setting up and saving a new configuration of the workflow system, or the opening of an existing system

configuration. To create a new configuration, an operator can click on the New command, or use the Ctrl+N keyboard shortcut.

To open an existing configuration, an operator clicks on an Open command, or presses Ctrl+O. An operator may have one saved configuration, or many, based on needs and preferences. An operator highlights the existing configuration (.cfg) file the operator wishes to open and clicks on the OK button to open the choice of existing configurations.

To save a new configuration, an operator clicks on Save, or uses the Ctrl+S keyboard shortcut. To rename a saved configuration, the operator clicks on the Save As command, or presses Ctrl+E. A window prompts the operator for a file name in the File name text window. The operator keys in the name of choice, then clicks on the Save button.

The examiner's rejection

In short, the bases for the rejection is that Bush is silent as to how the supply chain models are actually constructed and that it would have been obvious at the time the invention was made to a person of ordinary skill in the art to construct Bush's supply chain models in the manner suggested by Petchenkine's teachings of how to construct a prepress workflow.

The appellant's argument

The appellant argues that even if there were motivation to combine the teachings of Bush and Petchenkine, the resulting structure would not arrive at the subject matter under appeal. Specifically, the appellant assert that the following limitations are not

suggested by the applied prior art: (1) "a perspective template having at least one supply chain icon, the perspective template providing a pre-populated framework to evaluate the manufacturing operation" as recited in independent claims 4 and 10; and (2) "at least one perspective template having a pre-arranged supply chain representation" as recited in independent claim 20.

Our decision

The decision to either affirm the rejection or reverse the rejection under appeal comes down to meaning of the term "template" as used in the two phrases quoted in the above paragraph.¹ The United States Patent and Trademark Office (USPTO) applies to the verbiage of the claims before it the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in the appellant's specification. In re Morris, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997). See also In re Sneed, 710 F.2d 1544, 1548, 218 USPQ 385, 388 (Fed. Cir. 1983). It is our view, that one of ordinary skill in this art would have understood the word "template" to be a

¹ Analysis begins with a key legal question -- what is the invention claimed? Claim interpretation, in light of the specification, claim language, other claims, and prosecution history, will normally control the remainder of the decisional process. See Panduit Corp. v. Dennison Manufacturing Co., 810 F.2d 1561, 1567, 1 USPQ2d 1593, 1597 (Fed. Cir.), cert. denied, 481 U.S. 1052 (1987).

preformatted file that serves as a model for other documents. A "template" is a file containing styles, formatting, text, graphics, etc. that one uses to create a document. A template is different from a document. For example, when a template is opened and then modified, the Save command opens the Save As dialog box to enable the user to save the modified template as a document thus maintaining the template unchanged, whereas, when a document is opened and then modified, the Save command saves the document thus deleting the unmodified document.

We agree with the examiner that in view of Bush's silence as to how his supply chain models are actually constructed that it would have been obvious at the time the invention was made to a person of ordinary skill in the art to construct Bush's supply chain models in the manner suggested by Petchenkine's teachings of how to construct a prepress workflow. Nevertheless, we also find ourselves in agreement with the appellant that the combination of the teachings of Bush and Petchenkine does not arrive at the subject matter under appeal since their combined teachings are not suggestive of either (1) "a perspective **template** having at least one supply chain icon, the perspective template providing a pre-populated framework to evaluate the manufacturing operation" as recited in independent claims 4 and 10; or (2) "at least one perspective **template** having a pre-arranged supply chain representation" as recited in independent claim 20.

Since all the limitations of independent claims 4, 10 and 20 are not suggested by the applied prior art for the reasons set forth above, the decision of the examiner to reject claims 4, 10 and 20, and claims 2, 3, 5, 6, 8, 9, 11 and 12 dependent thereon, under 35 U.S.C. § 103 is reversed.

CONCLUSION

To summarize, the decision of the examiner to reject claims 2 to 6, 8 to 12 and 20 under 35 U.S.C. § 103 is reversed.

REVERSED

CHARLES E. FRANKFORT)	
Administrative Patent Judge)	
)	
)	
)	
)	
)	BOARD OF PATENT
JEFFREY V. NASE)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
)	
JENNIFER D. BAHR)	
Administrative Patent Judge)	

Appeal No. 2004-2261
Application No. 09/494,690

Page 12

DAIMLERCHRYSLER INTELLECTUAL CAPITAL CORPORATION
CIMS 483-02-19
800 CHRYSLER DR EAST
AUBURN HILLS, MI 48326-2757

JVN/jg