

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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 MICHAEL H. MILLER
and CHARLES W. THIESFELD

Appeal No. 2005-2082
Application 10/125,285

ON BRIEF

Before HAIRSTON, RUGGIERO and DIXON, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1, 2, 4 through 6 and 13 through 18. After submission of the brief, the examiner allowed claims 13 through 18 (answer, pages 2 and 3). Accordingly, claims 1, 2 and 4 through 6 remain before us on appeal.

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The disclosed invention relates to a method of storing data along with a write operation sequence indicator and error detection information on a data storage device.

Claim 1 is the only independent claim on appeal, and it reads as follows:

1. A method of storing data comprising:

receiving data to be stored on a data storage device that permits random access of data storage sectors;

generating a write operation sequence indicator uniquely identifying a write operation as against all other write operations performed on the data storage device;

combining the write operation sequence indicator with the data to obtain a complex data sequence, wherein error detection information for the combined write operation sequence indicator and the data is included in the complex data sequence; and

storing the complex data sequence to the data storage device.

The references relied on by the examiner are:

Ton-That	5,796,543	Aug. 18, 1998
Baron et al. (Baron)	6,441,980	Aug. 27, 2002
	(effective filing date July 30, 1999)	

Claims 1, 2 and 4 through 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Baron in view of Ton-That.

Reference is made to the briefs and the answer for the respective positions of the appellants and the examiner.

OPINION

We have carefully considered the entire record before us, and we will sustain the obviousness rejection of claims 1, 2 and 4 through 6.

Baron discloses a write operation sequence indicator (i.e., a Write Pass Count) stored along with data on a data storage device (Abstract; column 1, line 64 through column 2, line 2; column 4, line 63 through column 5, line 9). The appellants and the examiner agree that Baron does not store error detection information along with the Write Pass Count and the data (answer, page 4; brief, page 5). For such a teaching, the examiner turns to Ton-That (answer, page 4).

Appellants argue (brief, page 5) that "neither Baron nor Ton-That, separately or in combination, makes any teaching or suggestion of including both error detection information for the write operation sequence indicator and the data in a complex data sequence as required by claim 1." We disagree. Ton-That discloses (Figure 4D; column 12, lines 25 through 40) data that is recorded along with an address mark AM that provides an address/timing reference for the data and an error correction code field ECC. Nothing in claim 1 on appeal precludes an address mark from functioning as a broadly claimed write

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operation sequence indicator. Thus, the obviousness rejection of claim 1 is sustained. In sustaining a multiple reference rejection under 35 U.S.C. § 103(a), the Board may rely on one reference alone without designating it as a new ground of rejection. In re Bush, 296 F.2d 491, 496, 131 USPQ 263, 266-67 (CCPA 1961); In re Boyer, 363 F.2d 455, 458, n.2, 150 USPQ 441, 444, n.2 (CCPA 1966).

The obviousness rejection of claims 2 and 4 through 6 is sustained because appellants have chosen to let these claims stand or fall with claim 1 (brief, page 4).

DECISION

The decision of the examiner rejecting claims 1, 2 and 4 through 6 under 35 U.S.C. § 103(a) is affirmed.

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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

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
JOSEPH F. RUGGIERO)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
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JOSEPH L. DIXON)	
Administrative Patent Judge)	

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