

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 Krishna Murthy, Michael E. Stoeckle, and Devang Desai

Appeal No. 2006-0488
Application No. 09/537,659

ON BRIEF

Before HAIRSTON, OWENS, and BARRY, *Administrative Patent Judges*.
BARRY, *Administrative Patent Judge*.

A patent examiner rejected claims 1-16. The appellants appeal therefrom under 35 U.S.C. § 134(a). We reverse.

I. BACKGROUND

The invention at issue on appeal relates generally to designing vehicles. (Spec., p. 1, ll. 14-15.) Designing a vehicle involves several overlapping phases, including design initiation, development, assessment and verification. Each phase requires information to make decisions regarding the design. (*Id.* at ll. 20-27.) Access to the right information, at the right time, in the right format, and with the right content can improve the quality and efficiency of the design. (*Id.* at p. 2, ll. 22-26.)

Accordingly, the appellants' invention involves selecting a vehicular requirement from a library and selecting information from a database relating to the design of the vehicle. The invention then determines whether the information from the database correlates with the requirement. If so, the information is used in designing the vehicle. (*Id.* at p. 3, ll. 10-25.)

A further understanding of the invention can be achieved by reading the following claim.

1. A method of integrating product information management with vehicle design, said method comprising the steps of:

selecting a vehicle program requirement from a library stored in a memory of a computer system, wherein the library is accessed through an information portal on the computer system;

selecting an information database containing information related to the design of the vehicle from the library, wherein the information database is accessed through the information portal;

determining if the information from the information database correlates with the program requirement; and

using the information from the information database in the design of the vehicle, if the information from the information database correlates with the program requirement.

Claims 1-16 stand rejected under 35 U.S.C. § 103(a) as obvious over J.M. Juran ("Juran"), *Quality by Design*, pp. 406-27, 462-67 (1992) and Allen B. Tucker ("Tucker"), *The Computer Science and Engineering Handbook*, p. 1954 (1996).

II. OPINION

"[R]ather than reiterate the positions of the examiner or the appellants *in toto*, we focus on the point of contention therebetween." *Ex parte Muresan*, No. 2004-1621, 2005 WL 951659, at *1 (Bd.Pat.App & Int. Feb 10, 2005). The examiner makes the following assertions.

"[D]etermining if the information from the information database correlates with the program requirement" is disclosed by Juran page 409 "critical aspects of construction and use of data bases". Additionally, Juran page 466 states "Within Ford, much was done to secure factory idea on process development. Employees from all manufacturing and assembly areas were asked for their suggestions. More than 1,400 'wants' were identified and evaluated for potential incorporation into the design of the Taurus."

(Examiner's Answer at 4.) The appellants argue, "none of the references teaches . . . selecting an information database containing information related to the design of a vehicle, determining if the information from the information database correlates with the program requirement, or using the information from the information database in the design of the vehicle, if the information from the information database correlates with the program requirement." (Appeal Br. at 19.)

In addressing the point of contention, the Board conducts a two-step analysis. First, we construe the independent claims at issue to determine their scope. Second, we determine whether the construed claims would have been obvious.

A. CLAIM CONSTRUCTION

"Analysis begins with a key legal question — *what is the invention claimed?*" *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1567, 1 USPQ2d 1593, 1597 (Fed. Cir. 1987). Here, independent claim 1 recites in pertinent part the following limitations: "determining if the information from the information database correlates with the program requirement; and using the information from the information database in the design of the vehicle, if the information from the information database correlates with the program requirement." Independent claims 7 and 10 recite similar limitations.

B. OBVIOUSNESS DETERMINATION

"Having determined what subject matter is being claimed, the next inquiry is whether the subject matter would have been obvious." *Ex Parte Massingill*, No. 2003-0506, 2004 WL 1646421, at *3 (Bd.Pat.App & Int. 2004). "In rejecting claims under 35 U.S.C. Section 103, the examiner bears the initial burden of presenting a *prima facie* case of obviousness." *In re Rijckaert*, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993) (citing *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443,

1444 (Fed. Cir. 1992)). "A *prima facie* case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art." *In re Bell*, 991 F.2d 781, 783, 26 USPQ2d 1529, 1531 (Fed. Cir. 1993) (quoting *In re Rinehart*, 531 F.2d 1048, 1051, 189 USPQ 143, 147 (CCPA 1976)).

The examiner correctly observes that Chapter 12 of Juran includes a figure that "sets out the critical aspects of construction and use of data bases. . . ." (P. 409.) He also correctly observes that Chapter 13 of the reference discloses that Ford Motor Company identified and evaluated more than 1,400 ideas for potential incorporation into the design of its Taurus automobile. (P. 466.) The examiner has not shown, however, that information from the data bases of Chapter 12 and any of the 1,400 ideas of Chapter 13 were analyzed to determine a correlation *vel non*.

Relying on Tucker only to teach that "[t]he World Wide Web (WWW) is the fastest-growing protocol on the Internet," (Examiner's Answer at 5), the examiner does not allege, let alone show, that the addition of the reference cures the aforementioned deficiency of Juran. Absent a teaching or suggestion of the aforementioned limitations, we are unpersuaded of a *prima facie* case of obviousness. Therefore, we reverse the

obviousness rejection of claims 1, 7, and 10 and of claims 2-6, 8, 9, and 11-16, which depend therefrom.

III. CONCLUSION

In summary, the rejection of claims 1-16 under § 103(a) is reversed.

REVERSED

KENNETH W. HAIRSTON
Administrative Patent Judge

TERRY J. OWENS
Administrative Patent Judge

LANCE LEONARD BARRY
Administrative Patent Judge

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