

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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 JEFFREY L. BLAIR, KIM L. WRIGHT, and DENNIS C. MUNDT

Appeal No. 2006-1139
Application No. 09/740,977

ON BRIEF

Before HAIRSTON, KRASS, and JERRY SMITH, Administrative Patent Judges.
KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-20.

The invention is directed to a system for programming various slates and cycles of a washing machine.

Representative independent claim 2 is reproduced as follows:

2. A laundry appliance comprising:
 - a CPU;
 - a plurality of slates programmed into said CPU, each

slate including a plurality of cycles for operating said laundry appliance in a particular environment, each cycle including at least one operational parameter of said laundry appliance; and

means for selecting a desired slate from among said plurality of slates.

The examiner relies on the following references:

Beachem et al. (Beachem) 4,084,237 Apr. 11, 1978
Manson et al. (Manson) 4,977,394 Dec. 11, 1990

Claims 1, 3-15, and 17-20 stand rejected under 35 U.S.C. §103 as unpatentable over Beachem in view of Manson.

Claims 2 and 16 stand rejected under 35 U.S.C. §102 (b) as anticipated by Beachem.

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

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 the invention without undue experimentation. In re Paulsen, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

With regard to claims 2 and 16, the examiner takes the position that Beachem teaches the laundry appliance comprising a CPU (column 21, lines 50-56), a plurality of slates programmed into the CPU (column 21, lines 16-20), each slate including a plurality of cycles for operating the laundry appliance (column 22, lines 21-27), each

cycle including at least one operational parameter of the laundry appliance (column 22, lines 41-52), and means for selecting a desired slate from among said plurality of slates (column 21, lines 16-20) [see pages 15-16 of the answer].

Appellants contend that Beachem lacks any teaching of a “slate,” as set forth in the instant claims.

While the examiner wishes to interpret the claimed “slates” broadly to include the “laundry cycles or programs” (column 21, line 17), because, the examiner argues, appellants have never provided a clear definition of the term, “slates” (answer-page 4), appellants contend that a slate “is defined as a pre-programmed cycle(s), having a plurality of operations, that are tailored to the specific operating environment. The slates can be readily re-programmed or modified to accommodate or adapt to different user requirements” (principal brief-page 7).

We have reviewed the instant specification and while there is no such explicit definition set forth therein, it is clear from the description of the field of the invention at page 1 (“...a set of pre-programmed slates, each including a number of different cycles. Each slate is specifically designed for use in a particular environment...”), from the discussion of the prior art at page 2 (“...these pre-programmed operational cycles are organized into a series of slates which gives a user a number of different cycles from which to choose” and “machines come pre-installed with a specific slate of cycles”), and in the summary of the invention at pages 4-5 (“...pre-programmed with numerous slates and a selected slate for the expected environment...allows the complete replacement of each of the cycles available...to select cycles present in other slates and place them in

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the current slate...allows a complete reprogramming of the current selected slate...user is not restricted to the pre-programmed parameters and operations...each cycle may be completely rewritten with new commands") that appellants have provided a definition in accordance with the disclosed slates and operations applicable thereto.

Accordingly, we will accept appellants' definition of "...pre-programmed cycle(s), having a plurality of operations, that are tailored to the specific operating environment. The slates can be readily re-programmed or modified to accommodate or adapt to different user requirements."

With this definition, we turn to Beachem to determine if that reference discloses such "slates." Under appellants' definition, a slate must be reprogrammable for different user requirements.

Beachem allows execution of one of a plurality of laundry cycles or programs. Memory storage banks are subdivided into a plurality of unique blocks of memory so that each block is identifiably associated with and uniquely addressable by associated ones of input selection switches A-H (see column 21, lines 57-63). A selection of one of those switches causes a selective address of only those memory instructions within the associated block of memory. Each of the memory blocks is identifiable within a unique type of class of laundrying programs, such as a "heavy laundry" program (column 22, lines 21-28). The instructions within each memory block are preprogrammed to comprise 5 different unique variations of the particular class of laundry programs represented by that particular block of memory.

Beachem further discloses that the respective variations of each basic program can be altered such that at least one of the five program variations for each of the basic laundry program selections A-H will satisfy special laundering conditions.

We have carefully considered the evidence before us, including, inter alia, the disclosure of Beachem and the arguments of appellants and the examiner, and we conclude therefrom that Beachem does disclose the “slates,” as broadly set forth in claims 2 and 16.

Beachem clearly teaches a laundry appliance comprising a CPU. Beachem’s switches A-H activate a plurality of “slates,” in that each selection will activate a different programmed set of laundry instructions, e.g., switch A represents “heavy laundry.” The program associated with switch A provides for a plurality of cycles for operating the laundry appliance. These cycles include at least one operational parameter of the laundry appliance. Note that column 22, lines 20-63, describes how the “heavy laundry” programs may have a variation for laundering bedspreads for hotel environments and another variation for laundering tablecloths in restaurant environments. Also, these variations may be “selected.”

Accordingly, we find that the subject matter of claims 2 and 16 is anticipated by Beachem and we will sustain the rejection of these claims under 35 U.S.C. § 102 (b).

With regard to independent claim 1, this claim permits the creation of a new slate by replacing a cycle with another cycle from another slate, and for editing an operational parameter. Dependent claims 3, 6, 10, 17, and 20 contain a limitation also permitting the

creation of a new slate by replacing a cycle with another cycle from another slate and/or editing an operational parameter.

These limitations we do not find taught or suggested by Beachem and we do not find Manson to be of any help in this regard. While Beachem permits variations in each of the program selections A-H, these variations are preprogrammed and no new slate may be created by replacing one of the cycles in, say, program A, with a cycle in, say, program B. Moreover, Beachem provides for no editing of an operational parameter within a slate.

Manson was applied by the examiner as allegedly teaching the replacement of a cycle with another cycle, at column 6, lines 5-11, but this portion of Manson merely describes the substitution by a user of one cycle with a favorite customized customer cycle. There is no indication in Manson, nor is there any suggestion to the artisan, that the selection of a customized favorite customer cycle creates any new slate. While Manson may change options in a washing cycle, for example, Manson seems to be concerned only with redesignating some cycle as a favorite cycle. We find nothing therein indicative or suggestive of creating new slates through the designation of a favorite cycle.

Accordingly, we will not sustain the rejection of claims 1, 3-7, 10-15, and 17-20 under 35 U.S.C. §103.

With regard to claims 8 and 9, claim 8 calls for selectively establishing an operation mode and a programming mode. Appellants do not present any separate

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argument as to this claim and so we will sustain the examiner's rejection of claim 8 under 35 U.S.C. §103.

With regard to claim 9, appellants argue that Manson does not provide for the claimed limitation as argued by the examiner. More specifically, appellants indicate that the template 200 discussed at column 9, lines 55-62, is not utilized for programming the appliance but rather for entering and executing various diagnostic routines (principal brief-page 19). We agree. The portion of Manson relied on by the examiner is directed to diagnostics. We find no indication therein that would have suggested a security device such that when activated, there is a change from operation mode to programming mode. Accordingly, we will not sustain the rejection of claim 9 under 35 U.S.C. §103.

We have sustained the rejection of claims 2 and 16 under 35 U.S.C. §102 (b) and of claim 8 under 35 U.S.C. §103, but we have not sustained the rejection of claims 1, 3-7, 9-15, and 17-20 under 35 U.S.C. §103.

The examiner's decision is affirmed-in-part.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136 (a)(1) (effective September 13, 2004).

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AFFIRMED-IN-PART

KENNETH W. HAIRSTON)
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) BOARD OF PATENT
ERROL A. KRASS) APPEALS AND
Administrative Patent Judge) INTERFERENCES
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