

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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

Appeal No. 2006-1998
Application No. 10/215,648

ON BRIEF

Before HAIRSTON, KRASS, and SAADAT, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-29, 31, and 32.

Claim 30 has been indicated by the examiner as being directed to allowable subject matter and is not on appeal before us.

The invention is directed to a modular computer system, best illustrated by reference to representative independent claim 1, reproduced as follows:

1. A carrier for a modular computer system, the carrier having a plurality of receiving locations each configured removably to receive at least one information processing module, wherein each receiving location is further configured to receive a

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removably insertable dividing member which, when received, is operable to divide the receiving location into a plurality of receiving sub-locations, each operable to receive at least one information processing module.

The examiner relies on the following reference:

Jackson et al. (Jackson) 6,452,809 Sep. 17, 2002
(filed Nov. 10, 2000)

Claims 1-29, 31, and 32 stand rejected under 35 U.S.C. §102 (e) as anticipated by Jackson.

Reference is made to the briefs and answer 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).

The examiner contends that Jackson teaches a modular computer system, 100, in Figure 1, comprising a carrier, 110, having a plurality of receiving locations, 110, in Figure 2, with each location configured removably to receive at least one information processing module, 132, in Figure 2. The examiner also contends that each receiving location is further configured to receive a removably insertable dividing member, 140, in Figure 2, which dividing member is operable to divide the receiving location into a plurality of receiving sub-locations (above and below 140, in Figure 2), each operable to receive at least one information processing module, 132, in Figure 2.

Appellants argue that Jackson does not teach the claimed “removably insertable dividing member...”

We agree with the examiner.

The replaceable fan trays 140 in Jackson, although used to cool the engine blades 132 in chassis assembly 128, clearly act to divide the different assemblies of engine blades 132. See Figure 2 of Jackson. The carrier, cabinet 110 in Jackson, has a plurality of receiving locations and each is configured to removably receive a plurality of engine blades that comprise processing units (column 7, lines 20-21, of Jackson). Since the plurality of fan trays 140 are also removably inserted (column 7, line 67, of Jackson), and Figure 2 of Jackson shows these fan trays as being between the different assemblies of engine blades 132, it is clear to us that Jackson’s fan tray 140 is a “removably insertable dividing member which, when received, is operable to divide the receiving location into a plurality of sub-locations, each operable to receive at least one information processing module,” as claimed.

Thus, we will sustain the rejection of independent claims 1, 14, 15, and 32 under 35 U.S.C. §102 (e), and, based on appellants’ grouping of claims 2, 4, 5, 7-10, 13-16, 18-25, 31, and 32, at the top of page 9 of the principal brief, we will sustain the rejection of claims 1, 2, 4, 5, 7-10, 13-16, 18-25, 31, and 32 under §102 (e).

With regard to claims 3, 6, and 17, claims 3 and 17 require that each receiving location may receive processing modules with a height h when a dividing member is present and may receive processing modules of a height approximately $2h$ when no dividing member is present. Claim 6 requires that each receiving location may receive a

maximum of two processing modules when no dividing member is present and a maximum of four processing modules when a dividing member is present.

Contrary to the examiner's view, we find nothing in Jackson that suggests these claim limitations. The absence of fan trays 140 in Jackson in no way doubles the height of the processing modules that may be received nor does it decrease to half the number of processing modules (engine blade assemblies) that may be received. The examiner states otherwise at page 4 of the answer, but there is no cogent rationale as to why this is supposedly the case in Jackson. We also find unpersuasive the examiner's response, at page 7 of the answer, about the term, "operable" requiring only the ability to operate in such a fashion, because the examiner has not shown how Jackson has the capability of receiving modules of h height when a fan tray is received, but only the capability of receiving modules of $2h$ height when no fan tray is received. While Figure 2 of Jackson does show four assemblies of engine blades with two fan tray units 140 received, we find nothing in Jackson indicating that a maximum of two such engine blade assemblies may be received when there are no fan trays received.

Accordingly, we will not sustain the rejection of claims 3, 6, and 17 under §102 (e).

With regard to claims 11, 12, 26-28, and 30, these claims are directed to the specific flow of cooling air to flow from the front face of the enclosure to a support module bypassing processing modules received in the information processing module receiving locations and to a plenum chamber to allow the flow of cooling air.

It is clear that the cooling air provided in Jackson comes from the fan trays 140. So, although the examiner may be correct in asserting that a plenum chamber is formed in Jackson by the side panels 118, 120, since air will flow between the side panels and the processing units, the claims (e.g., claim 11) require the cooling air to “flow from the front face of the enclosure...” The air in Jackson flows “from” the fan trays 140, and not “from the front face of the enclosure,” as claimed.

Therefore, we will not sustain the rejection of claims 11, 12, and 26-28 under §102 (e).

Claim 30, per se, does not indicate the direction of the cooling air flow but it depends from claim 29 which does require a “flow of cooling air in a direction substantially from the face of the module...”

Accordingly, we will not sustain the rejection of claims 29 and 30 under §102 (e).

CONCLUSION

We have sustained the rejection of claims 1, 2, 4, 5, 7-10, 13-16, 18-25, 31, and 32 under §102 (e) but we have not sustained the rejection of claims 3, 6, 11, 12, 17, and 26-30 under §102 (e).

Accordingly, the examiner’s decision is affirmed-in-part.

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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).

AFFIRMED-IN-PART

Kenneth W. Hairston)
Administrative Patent Judge)
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) BOARD OF PATENT
Errol A. Krass) APPEALS
Administrative Patent Judge) AND
) INTERFERENCES
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