

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 SREEKANTH VOLETI,
RAJASEKHAR VALLABHANENI,
and KAMAL RAJU VENKATESH

Appeal No. 2006-2336
Application No. 09/849,916

ON BRIEF

Before KRASS, BARRY, and HOMERE, **Administrative Patent Judges.**

HOMERE, **Administrative Patent Judge.**

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the final rejection of claims 1 through 11, 13 through 16 and 18 through 20, all of which are pending in this application. Claims 12 and 17 have been objected to by the Examiner. Claims 21 through 23 have been allowed.

We reverse.

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Invention

Appellants' invention relates generally to a method, a system and a computer-readable medium for allowing a controller (110) to analyze packets of data in frames on a process control bus (115). Upon the user's selection of a frame (215) to be analyzed, a text file is used to identify function code formats (220) that are embedded in the selected frame. Subsequently, the identified code formats are used to identify the values for the fields (250) in the data packets included in the frame.

Claim 1 is representative of the claimed invention and is reproduced as follows:

1. A computer implemented method of analyzing frames on a process control bus, the method comprising:

selecting a frame to be analyzed;

using a text file to identify function code formats; and

calculating values for fields based on the function code formats.

Reference

The Examiner relies on the following reference:

Henrikson

5,923,673

Jul. 13, 1999

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Rejection At Issue

Claims 1 through 11, 13 through 16 and 18 through 20 stand rejected under 35 U.S.C. § 102 as being anticipated by Henrikson.

Rather than reiterate the arguments of Appellants and the Examiner, the opinion refers to respective details in the Briefs¹ and the Examiner's Answer². Only those arguments actually made by Appellants have been considered in this decision. Arguments that Appellants could have made but chose not to make in the Briefs have not been taken into consideration. See 37 CFR 41.37(c)(1) (vii)(eff. Sept. 13, 2004).

OPINION

In reaching our decision in this appeal, we have carefully considered the subject matter on appeal, the Examiner's rejection, the arguments in support of the rejection and the evidence of anticipation relied upon by the Examiner as support for the rejection. We have, likewise, reviewed and taken into consideration Appellants' arguments set forth in the Briefs along

1 Appellants filed an Appeal Brief on September 28, 2005. Appellants filed a Reply Brief on January 19, 2006.

2 The Examiner mailed an Examiner's Answer on November 18, 2005. The Examiner mailed an office communication on February 1, 2006 stating that the Reply Brief has been entered and considered.

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with the Examiner's rationale in support of the rejection and arguments in the rebuttal set forth in the Examiner's Answer.

After full consideration of the record before us, we do not agree with the Examiner that claims 1 through 11, 13 through 16 and 18 through 20 are properly rejected under 35 U.S.C. § 102 as being anticipated by Henrikson. Accordingly, we reverse the Examiner's rejection of claims 1 through 11, 13 through 16 and 18 through 20 for the reasons set forth **infra**.

I. Under 35 U.S.C. § 102(b), is the Rejection of claims 1 through 11, 13 through 16 and 18 through 20 as Being Anticipated By Henrikson Proper?

It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim. **See In re King**, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986) and **Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.**, 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984).

With respect to representative claim 1, Appellants argue in the Appeal and Reply Briefs that the Henrikson reference does not disclose the use of a text file to identify function codes for a selected frame, wherein the identified codes are subsequently

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used to calculate the field values for each data packet in a selected frame. Particularly, at page 11 of the Appeal Brief, Appellants state:

There is no identification of function code formats of a selected frame as claimed, nor use of text file to identify them. . . .

No calculation of values for fields is mentioned or implied.

To determine whether claim 1 is anticipated, we must first determine the scope of the claims. We note that claim 1 reads in part as follows:

[U]sing a text file to identify function code formats; and calculating values for fields based on the function code formats.

At page 6, lines 10 through 23, Appellants' specification states:

[0026] To automate the analysis of the data patterns, a tool that functions in accordance with the flowchart of Figure 2 is provided. A text file is used while automating this analysis. The text file contains the data, which has details about the data packets that are moving on the control bus. Values for fields such as Enthalpy, dry bulb configuration etc., are determined. When the application starts, the application reads the text file and stores the data in a data structure. Whenever the user selects a data packet for analysis, the application gets the necessary information from the data packet and looks for a matching record in the data structure. Once a match

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is found, the application analyzes the data and gives the information to the user interface.

[0027] The user initiates the analysis at 210, and selects a frame to analyze at 215. The function code is obtained from the frame at 220, and the function code format is searched for from the text file at 225. If the function code format is not found at 230, block 235 indicates that a new function code frame format is not available, and a new function format messages is returned at 240 to the user.

Thus, representative claim 1 does require the use of a text file to identify function codes for a selected frame, wherein the identified codes are subsequently used to calculate the field values for each data packet in a selected frame.

Now, the question before us is what Henrikson would have taught to one of ordinary skill in the art? To answer this question, we find the following facts:

At column 4, line 53 through column 5, line 23, Henrikson discloses the following:

The software of the present invention which controls the operations of the computer system 10 and the connected peripherals, is stored within the mass storage device 26. In the alternative, the software could be stored as firmware within the IEEE 1394 serial bus network data capture and analyzer device.

The software is used to control the capturing of the appropriate data and to provide that data as output, according to control inputs received from a user. As is well known in the art, when necessary the software is loaded from the mass storage device 26 to the main memory 24 for use by the CPU 12. The software of the present invention controls the operations and functions of the IEEE 1394 serial bus network data capture and analyzer device, allowing a user to specify that the data captured will trigger or begin upon the occurrence of certain events, such as the detection of a specific packet header, field or data pattern, an error, or a specific time or cycle event. It should also be understood that the data captured can be triggered off of any other appropriate event. In order to capture data triggered off of a specific event, the software implements specific capture filters based on the appropriate trigger event. The capture filters are implemented on the interface card 20 and monitor the data passing through the physical interface 22, between the devices within the IEEE 1394 serial bus network 46, for the appropriate data to be captured.

A user interface is also provided on the display 28 for allowing the user to choose the trigger events, to select captured data for display and to provide the captured data either to the printer 29 or to a media device such as a floppy disk or magnetic tape, through the mass storage device 26. Through the user interface, the keyboard 30 and the mouse 32, a user can choose specific trigger events for capturing data which is transmitted on the IEEE 1394 serial bus network. The system translates the selected trigger event into a predetermined sequence of digital data. Once data is captured, that data is stored in the internal memory 24 and displayed under user command, on the user interface. Through the user interface, the user can also choose to have the captured data printed on the printer 29 or saved on the mass storage device 26.

With the above discussion in mind, we find that with regard to representative claim 1, the Henrikson reference teaches an IEEE 1394 serial bus network data capture and analyzer (10) for capturing and analyzing data communications transmitted over the IEEE serial bus network (46). Particularly, Henrikson teaches a device that allows a user to specify the occurrence of certain events such as a packet header, a field, a data pattern, an error, a specific time or a cycle event or the like as a pre-condition for capturing data. The user-specified trigger event is then translated into a predetermined sequence of digital data, which is used to implement capture filters that will trigger the data capture on the serial bus. One of ordinary skill in the art would have duly recognized that Henrikson's teachings do not amount to the use of a text file to identify function codes for a selected frame, wherein the identified codes are subsequently used to calculate the field values for each data packet in a selected frame, as required by the representative claim. The ordinarily skilled artisan would have readily recognized that Henrikson, at best, teaches a text file (filters) for identifying and capturing certain packets on the serial bus when a match occurs between the packets on the bus and the corresponding user-

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specified events. However, the ordinarily skilled artisan would have realized that Henrikson's teachings do not go to the extent of calculating field values for packets in a selected frame. Particularly, the ordinarily skilled artisan would have duly realized that Hendrikson's teaching of translating user-specified events into digital data to capture corresponding packets on the bus is not equivalent to the claimed calculation of field values for packets in a selected frame. This stems from the fact that calculating the value field of a data packet based upon identified codes is not equivalent to translating data that matches a data packet. In our view, the Examiner has overly stretched the teachings of Henrikson in a desperate attempt to make a prima facie case of anticipation against representative claimed 1, even as broad claimed. Consequently, we find error in the Examiner's stated position, which concludes that Henrikson teaches the use of a text file to identify function codes for a selected frame, wherein the identified codes are subsequently used to calculate the field values for each data packet in a selected frame. Therefore, we will not sustain the Examiner's rejection of claims 1 through 11, 13 through 16 and 18 through 20 under 35 U.S.C. § 102.

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CONCLUSION

In view of the foregoing discussion, we have sustained the Examiner's decision rejecting claims 1 through 11, 13 through 16 and 18 through 20 under 35 U.S.C. § 102. Therefore, we reverse.

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REVERSED

ERROL A. KRASS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
LANCE LEONARD BARRY)	
Administrative Patent Judge)	APPEALS AND
)	
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)	
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