

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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 DOUGLAS J. DURRANT, BRUCE E. ALDRIDGE, and ROSS E. GOUGH

Appeal No. 2006-2706
Application No. 09/541,137

ON BRIEF

Before BARRY, BLANKENSHIP, and SAADAT, Administrative Patent Judges.

BLANKENSHIP, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 1-12, which are all the claims in the application.

We affirm.

BACKGROUND

The invention relates to a system for identifying anomalies in a manufacturing system that includes a data mining program for analyzing stored manufacturing parameters. Representative claim 1 is reproduced below.

1. A method for identifying manufacturing anomalies in a manufacturing system comprising a plurality of products which are manufactured with a plurality of manufacturing parameters, the method comprising the steps of:

storing the plurality of manufacturing parameters in a data warehouse;

applying a data mining program to perform the steps of:

analyzing the stored manufacturing parameters to define a first normal manufacturing parameter subset;

detecting at least one of the plurality of manufacturing parameters that is excluded from the first normal subset; and

reporting the at least one detected manufacturing parameter.

The examiner relies on the following reference:

Kazemi et al. (Kazemi)	US 6,381,556 B1	Apr. 30, 2002 (filed Aug. 2, 1999)
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Claims 1-12 stand rejected under 35 U.S.C. § 102 as being anticipated by Kazemi.

We refer to the Final Rejection (mailed Jun. 15, 2005) and the Examiner's Answer (mailed Mar. 24, 2006) for a statement of the examiner's position and to the Brief (filed Dec. 19, 2005) for appellants' position with respect to the claims which stand rejected.

OPINION

In view of appellants' remarks in the Brief, we will decide the appeal on the basis of representative claim 1. See 37 CFR § 41.37(c)(1)(vii).

The examiner finds the limitations of claim 1 to be met by Kazemi. In the Brief, appellants repeat limitations from the claim and make a general allegation that the method is not described by Kazemi, neither of which serve to demonstrate error in the rejection. The reasoning in support of the general allegation contends that the examiner errs in finding that the "raw data" described by the Kazemi reference corresponds to the "manufacturing parameters" of claim 1.

In the Answer, the examiner posits that appellants' specification provides illustrations of manufacturing parameters (e.g., spec. at 1, ll. 19-27) but does not provide a definition that limits the meaning of the recitation. The examiner submits that a dictionary definition of "parameter" is an arbitrary constant whose value characterizes a member of a system, and the language of the claims does not preclude the "raw data" of Kazemi to be considered as manufacturing parameters. In addition, the examiner notes similarity between information that Kazemi refers to as "raw data," such as time and date information, serial numbers, products, and modules (e.g., col. 9, ll. 41-53), to the examples provided in appellants' specification.

We agree with the examiner that the "raw data" described by Kazemi may be properly considered, on this record, as inclusive of "manufacturing parameters" within the meaning of instant claim 1. During patent prosecution, the scope of a claim cannot

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be narrowed by reading disclosed limitations into the claim. See In re Morris, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997); In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); In re Prater, 415 F.2d 1393, 1404, 162 USPQ 541, 550 (CCPA 1969). Our reviewing court has repeatedly warned against confining the claims to specific embodiments described in the specification. Phillips v. AWH Corp., 415 F.3d 1303, 1323, 75 USPQ2d 1321, 1334 (Fed. Cir. 2005) (en banc).

While we find that the examiner has shown the subject matter of instant claim 1 to be anticipated by the reference even giving effect to the term “manufacturing parameters,” we add that the recitation represents what has come to be known as nonfunctional descriptive material, and thus cannot distinguish over the prior art. Appellants are claiming steps for manipulating data; the steps do not change the underlying function of the machine. The meaning that a human may attribute to the data does not change how the machine processes the data. Appellants are merely claiming “a process that differs from the prior art only with respect to nonfunctional descriptive material that cannot alter how the process steps are to be performed to achieve the utility of the invention.” Manual of Patent Examining Procedure (MPEP) § 2106, page 2100-22 (8th Ed., Rev. 3, Aug. 2005). The content of the nonfunctional descriptive material carries no weight in the analysis of patentability over the prior art. Cf. In re Lowry, 32 F.3d 1579, 1583, 32 USPQ2d 1031, 1034 (Fed. Cir. 1994) (“Lowry does not claim merely the information content of a memory. . . . [N]or does he seek to patent the content of information resident in a database.”).

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We sustain the rejection of claims 1-12 under 35 U.S.C. § 102 as being anticipated by Kazemi.

CONCLUSION

The rejection of claims 1-12 under 35 U.S.C. § 102 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a). See 37 CFR § 1.136(a)(1)(iv).

AFFIRMED

LANCE LEONARD BARRY)	
Administrative Patent Judge)	
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Administrative Patent Judge)	AND
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MAHSHID D. SAADAT)	
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