

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 HANS LIND, MATS FORSGREN,
and OLA BERGQVIST

Appeal 2007-0376
Application 10/280,259
Technology Center 2100

Decided: March 14, 2007

Before KENNETH W. HAIRSTON, MAHSHID D. SAADAT, and
JEAN R. HOMERE, *Administrative Patent Judges*.
SAADAT, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 10-31. Claims 1-9 have been canceled.

We affirm.

BACKGROUND

Appellants' invention is directed to bi-directional communication among electrical modules in a motor vehicle. According to Appellants, different communication buses may be used for different purposes according to the importance of the communication (Specification 3). An understanding of the invention can be derived from a reading of exemplary independent claim 10, which is reproduced as follows:

10. A method of two-way digital communication between a plurality of nodes arranged at different respective positions in a vehicle, comprising the steps of:

- providing at least first and second serial communication busses interconnecting said nodes;
- separating said nodes into at least first and second groups wherein communication of nodes belonging to said first group is more critical for the operation of the vehicle than communication of the nodes in the second group;
- connecting said nodes of said first and second groups of nodes to said first and second communication busses, respectively;
- connecting each of said busses to a gateway node; and
- transferring digital information from a node within one bus to a node in another bus which is intended to receive said information, via the gateway node.

The Examiner relies on the following reference in rejecting the claims:

Berstis

US 6,823,457 B1

Nov. 23, 2004

Claims 10-31 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over Berstis.

Rather than reiterate the opposing arguments, reference is made to the Briefs and Answer for the respective positions of Appellants and the Examiner. Only those arguments actually made by Appellants have been considered in this decision. Arguments which Appellants could have made but chose not to make in the briefs have not been considered (37 CFR § 41.37(c)(1)(vii)).

OPINION

Appellants argue that Berstis relates to an arrangement wherein the proprietary bus is coupled to components that may be crucial for vehicle operation without excluding the non-critical components from being coupled to the proprietary bus if the manufacturer chooses to do so (Br. 5).

Appellants further assert that Berstis separates the nodes according to whether they are proprietary and not based on how critical they are for driving the vehicle and argue that the crucial components that are coupled to the proprietary bus may not necessarily be critical for the operation of the vehicle (Br. 4-5). The Examiner's response to Appellants' arguments is focused on how separating the nodes in Berstis is the same as the claimed

separating the nodes into two groups of critical and non-critical nodes (Answer 5). Thus, the question before this panel is whether the coupling of nodes to the proprietary and non-proprietary buses in Berstis is the same as the claimed separating the nodes into two groups based on how critical they are for the operation of the vehicle.

A rejection for anticipation 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. *See Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1347, 51 USPQ2d 1943, 1947 (Fed. Cir. 1999); *In re Paulsen*, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Berstis uses an original equipment manufacturing (OEM) bus as a proprietary bus to which a number of control components, that are crucial to the operations of the vehicle, are coupled (col. 2, ll. 37-43). Berstis also couples other components that are not crucial to the operations of the vehicle to non-proprietary bus 12 (col. 2, ll. 55-57). We note Appellants'

acknowledgement (Oral Hearing¹) that this portion of the reference teaches the use of two buses for coupling to crucial and non-crucial components.

While we agree with Appellants that the terms “crucial” and “critical” are not identical, we find that Berstis uses the term “crucial” for the components that are important in the operations of the vehicle which is consistent with Appellants’ own disclosure stating that the “critical levels reflect the importance of the function for the security of the motor vehicle in its use” (Specification 4, ll. 14-16). Appellants further attempt to distinguish the claims over Berstis by asserting that non-critical components may be placed on the proprietary bus in Berstis as shown by element 15 in Figure 1 referring to “DASHBOARD CONTROL MODULE” which is not a critical component (Oral Hearing). Although Berstis separates the nodes based on how important they are for the operations of the vehicle in order to protect them from failure due to unauthorized or inappropriate commands (Berstis, col. 1, ll. 19-23), nonetheless, the nodes are separated into two groups as the crucial nodes are coupled to a bus different than the one used for nodes that are considered non-crucial.

¹ Appellants’ representative presented oral arguments in this application at a Hearing held on March 8, 2007.

Further, Appellants' arguments assume a universal definition for "critical" component which cannot include the DASHBOARD CONTROL MODULE of Berstis. We observe that criticality of a component is mostly relative and a manufacture may designate components critical based on their vehicle design. However, a determination of which functions are crucial or "critical" to the operations of the vehicle is not needed since we observe that the claims require that the nodes of the first group be merely "more critical" than those of the second group. Therefore, although the "DASHBOARD CONTROL MODULE" of Berstis may not be critical by itself, it certainly is more critical than the audio and navigation systems coupled to bus 12 (Figure 1, cc. 2, ll. 55-60).

Therefore, by coupling the crucial nodes to the proprietary bus, Berstis separates the nodes into two groups wherein the communications related to one group of nodes is more critical than those of the other node. Based on our findings above, we agree with the Examiner that Berstis teaches the recited features and prima facie anticipates the claimed subject matter in the independent claims 10 and 19 and dependent claims 11-18 and 20-31, argued together claim 1. Accordingly, the 35 U.S.C. § 102 rejection of claims 10-31 is sustained.

CONCLUSION

In view of the foregoing, the decision of the Examiner rejecting claims 10-31 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 C.F.R. § 1.136(a)(1)(iv).

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AFFIRMED

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